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B I L L S,

PUBLIC:

FOUR VOLUMES.

—*(4.)*—

PATENT LAW AMENDMENT

TO

WINE, &c. (IRELAND).

Session

3 *December* 1857 —— 2 *August* 1858.

VOL. IV.

1857-58.

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BILLS:

1857-58.

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II.	AN ACT to settle Annuities on Lady *Havelock* and Sir *Henry Marshman Havelock*, in consideration of the eminent Services of the late Major General *Havelock* - - - - - - - - - -	22 Mar. 1858.
III.	AN ACT for enabling the *East India* Company to raise Money in the United Kingdom for the Service of the Government of *India* - -	22 Mar. 1858.
IV.	AN ACT to continue an Act of the last Session to authorise the embodying of the Militia - - - - - - - - - - -	25 Mar. 1858.
V.	AN ACT to apply the Sum of Ten Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-eight - - - - - - - - - - - - - -	26 Mar. 1858.
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VII.	AN ACT for the Regulation of Her Majesty's Royal Marine Forces while on Shore - - - - - - - - - - -	26 Mar. 1858.
VIII.	AN ACT to authorise the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for *England* and *Wales* -	26 Mar. 1858.
IX.	AN ACT for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters - - - - - - -	26 Mar. 1858.
X.	AN ACT to confirm a certain Provisional Order of the General Board of Health, applying the Public Health Act, 1848, to the District of *Skipton* in the West Riding of the County of *York*; and to further declare the Limits of the District of *Toxteth Park* in the County Palatine of *Lancaster*, for the Purposes of the said Act - - - - - -	11 May 1858.
XI.	AN ACT to repeal the Stamp Duties payable on Matriculation and Degrees in the University of *Cambridge* - - - - - - -	11 May 1858.
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XIII.	AN ACT for raising the Sum of Twenty million nine hundred and eleven thousand five hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty-eight - -	11 May 1858.
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XIX.	AN ACT to continue an Act of the Third and Fourth Years of Her Majesty, Chapter One hundred and ten, to amend the Laws relating to Loan Societies - - - - - - - - - - - -	21 May 1858.
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XXII.	AN ACT to abolish Franchise Prisons - - - - - -	14 June 1858.
XXIII.	AN ACT for abolishing the Tolls now levied on the Bridge over the *Shannon* at *Portumna* in *Ireland* - - - - - - -	14 June 1858.
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XXV.	AN ACT to amend the Act concerning Non-parochial Registers, and the Acts for Marriages, and for registering Births, Deaths, and Marriages, in *England*, and concerning Vaccination - - - - -	14 June 1858.
XXVI.	AN ACT to abolish the Property Qualifications of Members of Parliament - - - - - - - - - - - - -	28 June 1858.
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XXVIII.	AN ACT to continue the Peace Preservation (*Ireland*) Act, 1856 - - - - - - - - - - - - - - -	28 June 1858.
XXIX.	AN ACT for confirming a Scheme of the Charity Commissioners for Sir *Eliab Harvey*'s Charity in the Town of *Folkestone* - - -	28 June 1858.
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XXXII.	AN ACT to make valid certain Acts of the late Chief Justice of *Bombay* - - - - - - - - - - - - -	12 July 1858.
XXXIII.	AN ACT for the better Management of County Rates -	12 July 1858.
XXXIV.	AN ACT to continue "The Railways Act (*Ireland*), 1851" -	12 July 1858.
XXXV.	AN ACT to remove Doubts as to the Operation of a Convention between Her Majesty and the Emperor of the *French* relative to *Portendic* and *Albreda* - - - - - - - - - -	12 July 1858.
XXXVI.	AN ACT for releasing the Lands of the Commissioners for the Exhibition of 1851, upon the Repayment of Monies granted in aid of their Funds - - - - - - - - - - - - -	12 July 1858.
XXXVII.	AN ACT to provide for the Allotment of the Commonable Lands within the Boundaries of the late Forest of *Hainault* in the County of *Essex* - - - - - - - - - - - -	23 July 1858.
XXXVIII.	AN ACT to repeal certain Provisions for the Issue out of the Consolidated Fund of fixed Amounts for the Reduction of the Funded Debt - - - - - - - - - - - - - -	23 July 1858.
XXXIX.	AN ACT to suspend the making of Lists and the Ballots for the Militia of the United Kingdom - - - - - - - -	23 July 1858.

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XL.	AN ACT to confer Powers on the Commissioners of Her Majesty's Works and Public Buildings to acquire the Theatre Royal, *Edinburgh*, and adjacent Property, for the Erection of a new General Post Office, and for other Purposes - - - - - - - -	23 July 1858.
XLI.	AN ACT to extend the Time for making Advances towards Navigations in *Ireland*, under the Provisions of an Act of the Nineteenth and Twentieth *Victoria*, Chapter Sixty-two - - - - - - -	23 July 1858.
XLII.	AN ACT for shortening the Time of Prescription in certain Cases in *Ireland* - - - - - - - - - - - -	23 July 1858.
XLIII.	AN ACT to amend the Municipal Franchise in certain Cases -	23 July 1858.
XLIV.	AN ACT to give to the Universities of *Oxford*, *Cambridge*, and *Durham*, and the Colleges in those Universities, and to the Colleges of *Saint Mary* of *Winchester* near *Winchester*, and of King *Henry* the Sixth at *Eton*, Power to sell, enfranchise, and exchange Lands, under certain Conditions, and also to grant Leases for Agricultural, Building, and Mining Purposes, and to deal with the Interests of their Lessees, under proper Reservations and Restrictions - - - - - - -	23 July 1858.
XLV.	AN ACT to amend the Provisions of an Act of the Sixth Year of King *William* the Fourth, for separating the Palatine Jurisdiction of the County Palatine of *Durham* from the Bishoprick of *Durham*; and to make further Provision with respect to the Jura Regalia of the said County - - - - - - - - - - - - - -	23 July 1858.
XLVI.	AN ACT to remove Doubts as to the Validity of certain Marriages of *British* Subjects abroad - - - - - - - - -	23 July 1858.
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XLVIII.	AN ACT to substitute One Oath for the Oaths of Allegiance, Supremacy, and Abjuration; and for the Relief of Her Majesty's Subjects professing the Jewish Religion - - - - - - - - -	23 July 1858.
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LIII.	AN ACT to continue Appointments under the Act for consolidating the Copyhold and Inclosure Commissions, and for completing Proceedings under the Tithe Commutation Acts - - - - - -	23 July 1858.
LIV.	AN ACT to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively - - -	23 July 1858.
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LVI.	AN ACT to amend the Law relating to the Confirmation of Executors in *Scotland*, and to extend over all Parts of the United Kingdom the Effect of such Confirmation, and of Grants of Probate and Administration - - - - - - - - - - - - -	23 July 1858.
LVII.	AN ACT to amend the Act of the Fifth and Sixth Years of Her present Majesty, for enabling Ecclesiastical Corporations, aggregate and sole, to grant Leases for long Terms of Years - - - - - -	23 July 1858.
LVIII.	AN ACT for the future Appropriation of the Tithe or Tenth of Lead Ores in the Parishes of *Stanhope* and *Wolsingham* in the County of *Durham* belonging to the respective Rectors thereof, subject to the existing Incumbencies, and for making other Provisions for the Endowment of the said Rectories in lieu thereof, and for other Purposes connected therewith - - - - - - - - - - - - - -	23 July 1858.

Cap.		*Royal Assent.*
LIX.	AN ACT further to amend the Law relating to the Erection and Endowment of Churches, Chapels, and Perpetual Curacies in *Ireland* -	23 July 1858.
LX.	AN ACT to amend the Joint Stock Companies Acts, 1856 and 1857, and the Joint Stock Banking Companies Act, 1857 - - -	23 July 1858.
LXI.	AN ACT to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners of *England* and *Wales* - - - - - - - - - - - - -	2 August 1858.
LXII.	AN ACT to continue certain Acts to prevent the spreading of Contagious or Infectious Diseases among Sheep, Cattle, and other Animals - - - - - - - - - - - - -	2 August 1858.
LXIII.	AN ACT to continue certain Turnpike Acts in *Great Britain*	2 August 1858.
LXIV.	AN ACT to make further Provision for the Practice of Vaccination in *Ireland* - - - - - - - - - - - -	2 August 1858.
LXV.	AN ACT to amend an Act of the last Session, to render more effectual the Police in Counties and Burghs in *Scotland* - - -	2 August 1858.
LXVI.	AN ACT to amend the Act of the Ninth and Tenth Years of Her present Majesty, Chapter Thirty-nine, and to abolish Foot Passenger Tolls on *Chelsea* Bridge after Payment of the Sum of Eighty thousand Pounds and Interest - - - - - - - - - - - -	2 August 1858.
LXVII.	AN ACT to repeal certain Enactments requiring Returns to be made to One of the Secretaries of State - - - - - - -	2 August 1858.
LXVIII.	AN ACT to amend the Law concerning detached Parts of Counties - - - - - - - - - - - - -	2 August 1858.
LXIX.	AN ACT to impose Fees on the Branding of Barrels under the Acts concerning the Herring Fisheries in *Scotland* - - - -	2 August 1858.
LXX.	AN ACT to amend the Act of the Fifth and Sixth Years of Her present Majesty, to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture - -	2 August 1858.
LXXI.	AN ACT to substitute in certain Cases the Bishop of one Diocese for the Bishop of another as a Trustee of certain Trusts - -	2 August 1858.
LXXII.	AN ACT to facilitate the Sale and Transfer of Land in *Ireland* - - - - - - - - - - - - -	2 August 1858.
LXXIII.	AN ACT to amend the Law concerning the Powers of Stipendiary Magistrates and Justices of the Peace in certain Cases - -	2 August 1858.
LXXIV.	AN ACT for the Re-arrangement of the Districts of the County Courts among the Judges thereof - - - - - - -	2 August 1858.
LXXV.	AN ACT to amend the Law relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies being also Railway Companies - - - - - - - - - - - -	2 August 1858.
LXXVI.	AN ACT to simplify the Forms and diminish the Expense of completing Titles to Land in *Scotland* - - - - - - - -	2 August 1858.
LXXVII.	AN ACT to amend and extend the Settled Estates Act of 1856 - - - - - - - - - - - - - - -	2 August 1858.
LXXVIII.	AN ACT to enable the Committees of both Houses of Parliament to administer Oaths to Witnesses in certain Cases - - -	2 August 1858.
LXXIX.	AN ACT to amend the Law relating to Cheques or Drafts on Bankers - - - - - - - - - - - -	2 August 1858.
LXXX.	AN ACT to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts - - - - - - - -	2 August 1858.
LXXXI.	AN ACT for confirming a Scheme as amended of the Charity Commissioners for *Cowley*'s Charity, in the Parish of *Swineshead*, in the County of *Lincoln* - - - - - - - - - - - -	2 August 1858.
LXXXII.	AN ACT to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland*; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorize the Employment of the Non-commissioned Officers - - - - - - - -	2 August 1858.

Cap.		*Royal Assent.*
LXXXIII.	AN ACT to make Provision for the better Government and Discipline of the Universities of *Scotland*, and improving and regulating the Course of Study therein; and for the Union of the Two Universities and Colleges of *Aberdeen* - - - - - - - - - - -	2 August 1858.
LXXXIV.	AN ACT for enabling the Commissioners of Public Works in *Ireland* to acquire certain Lands and Houses for the Site of a New Court or Courts and other Offices and Buildings required for the Public Service, in Extension of the Four Courts in the City of *Dublin*; and for other Purposes - - - - - - - - - - - - -	2 August 1858.
LXXXV.	AN ACT to continue an Act to enable Her Majesty to accept the Services of the Militia out of the United Kingdom - - - - -	2 August 1858
LXXXVI.	AN ACT further to continue an Act to authorize the embodying of the Militia - - - - - - - - - - - -	2 August 1858.
LXXXVII.	AN ACT to continue and amend the Corrupt Practices Prevention Act, 1854 - - - - - - - - - - - - -	2 August 1858.
LXXXVIII.	AN ACT to amend an Act of the Fourteenth and Fifteenth Years of Her present Majesty, to consolidate and amend the Laws relating to Civil Bills and the Courts of Quarter Sessions in *Ireland*, and to transfer to the Assistant Barristers certain Jurisdiction as to Insolvent Debtors - - - - - - - - - - - - - - -	2 August 1858.
LXXXIX.	AN ACT to amend an Act of the last Session, for the Regulation of the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums, in *Scotland* - -	2 August 1858.
XC.	AN ACT to regulate the Qualifications of Practitioners in Medicine and Surgery - - - - - - - - - - - -	2 August 1858.
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(I.) - - -	IRELAND.
(E. & I.) - -	ENGLAND AND IRELAND.
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Government of India; for enabling the East India Company to raise Money in the United Kingdom for the Service of the Government of India - - - - - - - - - - - - -	(U. K.)	3.
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Governor, &c. of Bank of England. *See* Bank Issues Indemnity.		
Grants of Probate and Administration, to extend over the United Kingdom, the Effect of - - - - - - - - -	(G. B. & I.)	56.

H.

Hainault Forest; to provide for the Allotment of the Commonable Lands within the Boundaries of - - - - - - - -	(E.)	37.
Harvey's Charity; for confirming a Scheme of the Charity Commissioners for Sir Eliab Harvey's Charity, Folkestone - - - -	(E.)	29.

		Cap.
Havelock (Lady and Sir H. M.); to settle Annuities on them, in consideration of the eminent Services of the late Major-General Havelock	(U. K.)	2.
Health, Public. *See* General Board of Health.		
Herring Fisheries; to impose Fees on the Branding of Barrels under the Acts concerning the Herring Fisheries	(S.)	69.
High Court of Chancery; to amend the Course of Procedure in the High Court of Chancery, the Court of Chancery in Ireland, and the Court of Chancery of the County Palatine of Lancaster	(E. & I.)	27.
House of Commons; to extend the Act 24 Geo. 3, c. 26, for issuing Writs during any Recess of the House of Commons, whether by Prorogation or Adjournment	(G. B. & I.)	110.
I.		
Inclosure of Lands; to authorise the Inclosure of certain Lands in pursuance of Reports of the Inclosure Commissioners	(E.)	8.
	(E.)	61.
——— to continue Appointments under the Act 14 & 15 Vict. c. 53, for consolidating the Copyhold and Inclosure Commissions	(E.	53.
Incumbered Estates, West Indies; to amend the West Indian Incumbered Estates Act, 1854 (17 & 18 Vict. c. 117)	(U. K.)	96.
Indemnity; to Indemnify such Persons as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively	(G. B. & I.)	54.
——— to Indemnify the Governor and Company of the Bank of England in respect of certain Issues of their Notes, and to confirm such Issues, and to authorise further Issues	(E.)	1.
——— to Indemnify certain Persons who have formed a voluntary Association for the Disposal of Works of Utility and Ornament by Chance or otherwise as Prizes	(U. K.)	102.
India. *See* East Indies. West Indies.		
Insolvent Debtors; to amend the Act 14 & 15 Vict. c. 57, to Consolidate and Amend the Laws relating to Civil Bills and the Courts of Quarter Sessions in Ireland, and to transfer to the Assistant Barristers certain Jurisdiction as to Insolvent Debtors	(I.)	88.
Issue of Bank Notes, to Indemnify the Governor, &c. of Bank of England in respect of certain, &c.	(E.)	1.
J.		
Jews; to Substitute One Oath for the Oaths of Allegiance, Supremacy, and Abjuration; and for the Relief of Her Majesty's Subjects professing the Jewish Religion	(G. B. & I.)	48.
——— to Provide for the Relief of Her Majesty's Subjects professing the Jewish Religion	(G. B. & I.)	49.
Joint Stock Companies; to amend the Joint Stock Companies Acts, 1856 and 1857, and the Joint Stock Banking Companies Act, 1857	(G. B. & I.)	60.
——— to enable Joint Stock Banking Companies to be formed on the Principle of Limited Liability	(G. B. & I.)	91.
Judges of the County Courts; for the Re-arrangement of the Districts of the County Courts among the Judges thereof	(E.)	74.
Judgments; to amend the Act 13 & 14 Vict. c. 2, to amend the Laws concerning Judgments in Ireland	(I.)	105.
Jura Regalia of County Palatine of Durham, to make further Provision with respect to	(E.)	45.

		Cap.
Jurisdiction, Ecclesiastical; to continue certain Temporary Provisions, (in 10 & 11 Vict. c. 98) concerning Ecclesiastical Jurisdiction -	(E.)	50.
Justices of the Peace, to amend the Law concerning the Powers of, in certain Cases - - - - - - - - - - - -	(E.)	73.
Juvenile Offenders, to promote and regulate Reformatory Schools for -	(I.)	103.
——— to repeal certain Enactments requiring Returns relating to, to be made to Secretary of State - - - - -	(E.)	67.

L.

Lancaster, County Palatine of; to amend the Course of Procedure in the Court of Chancery of the County Palatine of Lancaster - -	(E. & I.)	27.
Lands: Inclosure, Sale, Exchange, &c. of; to authorise the Inclosure of certain Lands in pursuance of Reports of the Inclosure Commissioners - - - - - - - - - - - - -	(E.) (E.)	8. 61.
——— to provide for the Allotment of the Commonable Lands within the Boundaries of the late Forest of Hainault - - - -	(E.)	37.
——— to confirm a Contract for the Sale by the Commissioners of Her Majesty's Works of certain Lands to the Commissioners of Chelsea Hospital - - - - - - - - - - - - -	(E.)	21.
——— to effect an Exchange between the Commissioners of Chelsea Hospital and the Governor and Company of Chelsea Waterworks of Lands in the Parishes of Saint George Hanover Square and Saint Margaret Westminster - - - - - - - - - - - -	(E.)	18.
——— to give to the Universities of Oxford, Cambridge, and Durham, &c., Power to sell, enfranchise, and exchange Lands, &c. - - -	(E.)	44.
——— to release the Lands of the Commissioners for the Exhibition of 1851, upon the Repayment of Monies granted in aid of their Funds	(E.)	36.
——— to simplify the Forms and diminish the Expense of completing Titles to Land in Scotland - - - - - - - - - -	(S.)	76.
——— to facilitate the Sale and Transfer of Land in Ireland - -	(I.)	72.
Lead Ores, Tithe of; for the future Appropriation of the Tithe or Tenth of Lead Ores in the Parishes of Stanhope and Wolsingham (Durham) belonging to the respective Rectors thereof - - - - - -	(E.)	58.
Leases by Ecclesiastical Corporations; to amend the Act 5 & 6 Vict. c. 108, for enabling Ecclesiastical Corporations, aggregate and sole, to grant Leases for Long Terms of Years - - - - - -	(E.)	57.
Leases and Sales of Settled Estates; to amend and extend the Settled Estates Act of 1856 (19 & 20 Vict. c. 120) - - - - - - -	(E. & I.)	77.
Legitimacy Declaration; to enable Persons to establish Legitimacy and the Validity of Marriages, and the Right to be deemed natural-born Subjects - - - - - - - - - - - -	(G. B. & I.)	93.
Letters of Administration; to amend the Act 20 & 21 Vict. c. 77 -	(E.)	95.
——— to extend over all Parts of the United Kingdom the Effect of Confirmation of Executors in Scotland, and of Grants of Probate and Administration - - - - - - -	(U. K.)	56.
Limited Liability; to enable Joint Stock Banking Companies to be formed on the Principle of - - - - - - - - - - -	(G. B. & I.)	91.
Limited Service Act; to revive and continue the Act 18 & 19 Vict. c. 4, amending the Act for limiting the time of Service in the Army -	(U. K.)	55.
Lists and Ballots for the Militia; to suspend the making of Lists and the Ballots for the Militia of the United Kingdom - - - - -	(G. B. & I.)	39.
Loan Societies; to continue the Act 3 & 4 Vict. c. 110, to amend the Laws relating to Loan Societies - - - - - - - - - -	(E.)	19.
Loans for Public Service. *See* Exchequer Bills and Bonds.		
Local Government; to amend the Public Health Act, 1848 (11 & 12 Vict. c. 63) and to make further Provision for the Local Government of Towns and Populous Districts - - - - - - - - - -	(E.)	98.

		Cap.
Local Management of the Metropolis; to alter and amend the Act 19 & 20 Vict. c. 120, and to extend the Powers of the Metropolitan Board of Works for the Purification of the Thames and the Main Drainage of the Metropolis	(E.)	104.
Lunatics; to amend the Act 20 & 21 Vict. c. 71, for the Regulation of the Care and Treatment of Lunatics, and for the Provision, Maintenance, and Regulation of Lunatic Asylums	(S.)	89.

M.

Magistrates, Stipendiary; to amend the Law concerning the Powers of	(E.)	73.
Main Drainage of the Metropolis; to extend the Powers of the Metropolitan Board of Works for the Purification of the Thames, &c.	(E.)	104.
Manufacture, Articles of; to amend the Act 5 & 6 Vict. c. 100, to consolidate and amend the Laws relating to the Copyright of Designs for Ornamenting	(U.K.)	70.
Marine Mutiny; for the Regulation of Her Majesty's Royal Marine Forces while on Shore	(U.K.)	7.
Marriages; to enable Persons to establish Legitimacy and the Validity of Marriages, and the Right to be deemed natural-born Subjects	(G. B. & I.)	93.
——— to remove Doubts as to the Validity of certain Marriages of British Subjects Abroad (Moscow, Tahiti, and Ningpo)	(U.K.)	46.
——— to amend the Act 3 & 4 Vict. c. 92, concerning Non-parochial Registers, and the Acts 6 & 7 Vict. cc. 85, 86, and 7 Will. 4 and 1 Vict. c. 22 for Marriages, and for registering Births, Deaths, and Marriages in England	(E.)	25.
Matriculation and Degrees, to repeal the Stamp Duties payable on, in the University of Cambridge	(E.)	11.
Matrimonial Causes, Court for; to amend the Act 20 & 21 Vict. c. 85	(E.)	108.
Medical Practitioners; to regulate the Qualifications of Practitioners in Medicine and Surgery	(G. B. & I.)	90.
Members of Parliament; to continue and amend the Corrupt Practices Prevention Act, 1854 (17 & 18 Vict. c. 102)	(G. B. & I.)	87.
——— to abolish the Property Qualifications of	(G. B. & I.)	26.
——— *See* also, Jews. New Writs.		
Metropolis Local Management; to alter and amend the Metropolis Local Management Act, 1855 (19 & 20 Vict. c. 120), and to extend the Powers of the Metropolitan Board of Works for the Purification of the Thames and the Main Drainage of the Metropolis	(E.)	104.
Militia; to continue the Act 20 & 21 Vict. c. 82, authorising the Embodiment of the Militia	(G. B. & I.) (G. B. & I.)	4. 86.
——— to continue the Act 18 & 19 Vict. c. 1, to enable Her Majesty to accept the Services of the Militia out of the United Kingdom	(U.K.)	85.
——— to suspend the making of Lists and the Ballots for the Militia of the United Kingdom	(G. B. & I.)	39.
——— to defray the Charge of the Pay, Clothing, &c., of the Disembodied Militia; to grant Allowances in certain Cases to Subaltern Officers, &c.; and to authorise the Employment of the Non-commissioned Officers	(G. B. & I.)	82.
Mines in Cornwall; to define the Rights of Her Majesty and of the Prince of Wales to the Mines and Minerals in or under Land lying below High-water Mark within and adjacent to the County of Cornwall, &c.	(E.)	109.
Moscow, Tahiti, and Ningpo; to remove Doubts as to the Validity of certain Marriages of British Subjects Abroad	(U.K.)	46.

		Cap.
Municipal Charities, City of Bristol, for confirming a Scheme of the Charity Commissioners for	(E.)	30.
Municipal Franchise; to amend the Municipal Franchise in certain Cases	(E.)	43.
Mutiny; for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters	(U. K.)	9.
——— for the Regulation of Her Majesty's Royal Marine Forces while on Shore	(U. K.)	7.

N.

Navigation Advances; to extend the Time for making Advances towards Navigations in Ireland under the Provisions of the Act 19 & 20 Vict. c. 62	(I.)	41.
New General Post Office, Edinburgh; to confer Powers on the Commissioners of Works and Public Buildings to acquire the Theatre Royal, Edinburgh, for the Erection of a New General Post Office	(S.)	40.
New Writs; to extend the Act 24 Geo. 3, c. 26, for issuing Writs during any Recess of the House of Commons, whether by Prorogation or Adjournment	(G. B. & I.)	110.
Ningpo, Tahiti, and Moscow; to remove Doubts as to the Validity of certain Marriages of British Subjects abroad	(U. K.)	46.
Nisi Prius; to appoint a Clerk of Nisi Prius for the Consolidated Nisi Prius Court	(I.)	52.
Non-parochial Registers; to amend the Act 3 & 4 Vict. c. 92, concerning Non-parochial Registers, and the Acts 6 & 7 Vict. cc. 85, 86, and 7 Will. 4, and 1 Vict. c. 22, for Marriages, and for Registering Births, Deaths, and Marriages in England	(E.)	25.
Notes of Bank of England; to indemnify the Governor and Company of the Bank of England in respect of certain Issues of their Notes, and to confirm such Issues	(E.)	1.

O.

Oaths; to enable the Committees of both Houses of Parliament to administer Oaths to Witnesses in certain Cases	(G. B. & I.)	78.
——— to substitute One Oath for the Oaths of Allegiance, Supremacy, and Abjuration; and for the Relief of Her Majesty's Subjects professing the Jewish Religion	(G. B. & I.)	48.
Officers in the Militia. *See* Militia.		
Offices and Employments, to indemnify such Persons as have omitted to qualify themselves for, and to extend the Time limited for those Purposes respectively	(G. B. & I.)	54.
Oxford University; to give to the Universities of Oxford, Cambridge, and Durham, Power to sell, enfranchise, and exchange Lands, under certain Conditions, and also to grant Leases for Agricultural, Building, and Mining Purposes, and to deal with the Interests of their Lessees, under proper Reservations and Restrictions	(E.)	44.

P.

Palatine Jurisdiction (Durham); to amend the Provisions of 6 & 7 Will. 4, c. 19, for separating the Palatine Jurisdiction from the Bishoprick of Durham	(E.)	45.
Parliament, Houses of; to enable the Committees of both Houses of Parliament to administer Oaths to Witnesses in certain Cases	(G. B. & I.)	78.
Parts of Counties; to amend the Law concerning detached Parts of Counties	(E.)	68.
Passports, to reduce the Stamp Duty on	(G. B. & I.)	24.

		Cap.
Pay, &c. of the Militia; to defray the Charge of the Disembodied Militia; to grant Allowances in certain Cases to Subaltern Officers, &c.; and to authorize the Employment of the Non-commissioned Officers	(G. B. & I.)	82.
Peace Preservation; to continue the Peace Preservation (Ireland) Act, 1856 [19 & 20 Vict. c. 36]	(I.)	28.
Perpetual Curacies in Ireland, further to amend the Law relating to the Erection and Endowment of	(I.)	59.
Petty Sessions, to regulate the Office of Clerk of	(I.)	100.
Police; to amend the Act 20 & 21 Vict. c. 72, to render more effectual the Police in Counties and Burghs	(S.)	65.
Police Returns; to repeal certain Enactments requiring Returns to be made to Secretary of State	(E.)	67.
Portendic and Albreda; to remove Doubts as to the Operation of a Convention between Her Majesty and the Emperor of the French relative to	(U. K.)	35.
Portumna Bridge; for abolishing the Tolls now levied on the Bridge over the Shannon at Portumna	(I.)	23.
Post Office, Edinburgh; to confer Powers on the Commissioners of Works to acquire the Theatre Royal, Edinburgh, for the Erection of a new General Post Office	(S.)	40.
Practitioners in Medicine, &c., to regulate the Qualifications of	(G. B. & I.)	90.
Prescription, for shortening the Time of, in certain Cases	(I.)	42.
Pretences, False; to amend the Law of False Pretences	(G. B. & I.)	47.
Prince of Wales; to define his Rights as to Mines and Minerals in or under Land below High-water Mark within and adjacent to the County of Cornwall	(E.)	109.
Prisons; to abolish Franchise Prisons	(E.)	22.
——— to repeal certain Enactments requiring Returns [respecting Prisons] to be made to One of the Secretaries of State	(E.)	67.
Privy Council; for vesting in the Privy Council certain Powers for the Protection of the Public Health	(E.)	97.
Probates and Letters of Administration; to amend the Act 20 & 21 Vict. c. 77	(E.)	95.
——— to extend over all Parts of the United Kingdom the Effect of Confirmation of Executors, and of Grants of Probate and Administration	(G. B. & I.)	56.
Procedure. *See* Chancery.		
Property Qualification; to abolish the Property Qualifications of Members of Parliament	(G. B. & I.)	26.
Provisional Orders. *See* Public Health. Turnpike Trusts.		
Public Health; to confirm a certain Provisional Order of the General Board of Health, applying the Public Health Act, 1848, to the District of Skipton (W. R. York)	(E.)	10.
——— to amend the Public Health Act, 1848 (11 & 12 Vict. c. 63), and to make further Provision for the Local Government of Towns and populous Districts	(E.)	98.
——— for vesting in the Privy Council certain Powers for the Protection of the Public Health	(E.)	97.
Public Works. *See* Dublin. Edinburgh.		
Purification of the Thames, to extend the Powers of the Metropolitan Board of Works for the	(E.)	104.

Q.

		Cap.
Qualification of Medical Practitioners, for Regulation of - - -	(G. B. & I.)	90
Qualification of Members of Parliament; to abolish the Property Qualifications of Members of Parliament - - - - - - -	(G. B. & I.)	26.
Qualification for Offices and Employments, to indemnify Persons in respect of Omission of - - - - - - - - -	(G. B. & I.)	54.

R.

Railways; to continue "The Railway Act (Ireland), 1851" [14 & 15 Vict. c. 70] - - - - - - - - - - - - -	(I.)	34.
——— to amend the Law relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies being also Railway Companies - - - - - - - - - - - -	(G. B. & I.)	75.
Rates. *See* County Rates. Customs. Excise. Highway Rates.		
Reduction of the Funded Debt, to repeal certain Provisions for the Issue out of the Consolidated Fund of fixed Amounts for the - -	(U. K.)	38.
Reformatory Schools; to promote and regulate Reformatory Schools for Juvenile Offenders in Ireland - - - - - - - -	(I.)	103.
Registration of Births, &c.; to amend the Act 3 & 4 Vict. c. 92, concerning Non-parochial Registers, and the Acts 6 & 7 Vict. cc. 85, 86, and 7 Will. 4, and 1 Vict. c. 22, for Marriages, and for registering Births, Deaths, and Marriages - - - - - - - - -	(E.)	25.
Relief of Turnpike Trusts. *See* Turnpike Trusts.		
Relief of the Jews. *See* Jews.		
Returns to Secretary of State; to repeal certain Enactments requiring Returns [respecting Prisons, Police, Bastardy, Juvenile Offenders] to be made to One of the Secretaries of State - -	(E.)	67.
Roman Catholic Charities; further to continue the Exemption of certain Charities from the Operation of the Charitable Trusts Acts -	(E.)	51.
Royal Marines; for the Regulation of Her Majesty's Royal Marine Forces while on Shore - - - - - - - - - -	(U. K.)	7.

S.

St. Andrew's University, for the better Government and Discipline of, &c. - - - - - - - - - - - - - -	(S.)	83.
St. George, Hanover-square, and St. Margaret, Westminster, to effect an Exchange between the Commissioners of Chelsea Hospital and the Chelsea Waterworks Company, of Lands in the Parishes of -	(E.)	18.
St. Mary of Winchester, to give Power to the College of, to sell, enfranchise, and exchange Lands, and also to grant certain Leases, &c.	(E.)	44.
St. Nicholas and St. Leonard, Bristol, for confirming a Scheme of the Charity Commissioners for certain Charities in the Parishes of -	(E.)	31.
Sale and Transfer of Land; to facilitate the Sale and Transfer of Land	(I.)	72.
Sales of Settled Estates; to amend and extend the Settled Estates Act of 1856 [19 & 20 Vict. c. 120] - - - - - - - -	(E. & I.)	77.
Schemes of the Charity Commissioners. *See* Charity Commissioners.		
Schools, Reformatory; to promote and regulate Reformatory Schools for Juvenile Offenders - - - - - - - - - - -	(I.)	103.
Secretary of State, Returns, &c.; to repeal certain Enactments requiring Returns to be made to One of the Secretaries of State [relating to Prisons, Police, Bastardy, Juvenile Offenders] - - -	(E.)	67.
Service in the Army; to revive and continue the Act 18 & 19 Vict. c. 4, amending the Act for limiting the Time of Service in the Army	(U. K.)	55.
Settled Estates; to amend and extend the Settled Estates Act of 1856 [19 & 20 Vict. c. 120] - - - - - - - - - - - -	(E. & I.)	77.

		Cap.
Shannon River; for abolishing the Tolls now levied on the Bridge over the Shannon at Portumna	(I.)	23.
Sheep, &c., Contagious Diseases Prevention; to continue certain Acts [11 & 12 Vict. c. 107, 16 & 17 Vict. c. 62, and 19 & 20 Vict. c. 101], to prevent the spreading of contagious or infectious Diseases among Sheep, Cattle, and other Animals	(U. K.)	62.
Skipton (W. R. York), &c., to confirm a certain Provisional Order of the General Board of Health, applying the Public Health Act, 1848, to the District of	(E.)	10.
Spirits, &c.; for the further Amendment of the Duties of Customs	(U. K.)	16.
——— for granting certain additional Rates and Duties of Excise	(U. K.)	15.
Stamp Duties; to repeal the Stamp Duties payable on Matriculation and Degrees in the University of Cambridge	(E.)	11.
——— to reduce the Stamp Duty on Passports	(G. B. & I.)	24.
——— for granting a Stamp Duty on certain Drafts or Orders for the Payment of Money	(G. B. & I.)	20.
Stanhope and Wolsingham Rectories; for the future Appropriation of the Tithe or Tenth of Lead Ores in the Parishes of Stanhope and Wolsingham (Durham) belonging to the respective Rectors thereof, and for making other Provisions for the Endowment of the said Rectories	(E.)	58.
Stipendiary Magistrates; to amend the Law concerning the Powers of Stipendiary Magistrates and Justices of the Peace in certain Cases	(E.)	73.
Submarine Mines in Cornwall; to define the Rights of Her Majesty and of the Prince of Wales to the Mines and Minerals in or under Land lying below High-water Mark within and adjacent to the County of Cornwall, &c.	(E.)	109.
Superior Courts, Ireland. *See* Nisi Prius.		
Supremacy, Oath of; to substitute One Oath for the Oaths of Allegiance, Supremacy, and Abjuration, &c.	(G. B. & I.)	48.
Supplies, Appropriation of	(U. K.)	107.
Surgery, Practitioners in, to regulate the Qualifications of	(G. B. & I.)	90.
Suspension of the Militia Ballots. *See* Militia.		
Swineshead (Lincoln), for confirming a Scheme, as amended, of the Charity Commissioners for Cowley's Charity in the Parish of Swineshead	(E.)	81.

T.

Tahiti, Moscow, and Ningpo; to remove Doubts as to the Validity of certain Marriages of British Subjects abroad	(U. K.)	46.
Thames River; to alter and amend the Metropolis Local Management Act 19 & 20 Vict. c. 120, 1855, and to extend the Powers of the Metropolitan Board of Works for the Purification of the Thames, &c.	(E.)	104.
Theatre Royal, Edinburgh. *See* New General Post Office, Edinburgh.		
Tipstaffs, to make Provision for the Appointment of, in the Superior Courts in Ireland	(I.)	52.
Tithe Commutation Acts; to continue Appointments under the Act 14 & 15 Vict. c. 53, for completing Proceedings under the Tithe Commutation Act	(E.)	53.
Tithe or Tenth of Lead Ore. *See* Stanhope and Wolsingham Rectories.		
Titles to Land, to simplify the Forms and diminish the Expense of completing	(S.)	76.
Tolls on Chelsea Bridge; to amend the Act 9 & 10 Vict. c. 39, and to abolish Foot Passenger Tolls on Chelsea Bridge, after Payment of the Sum of Eighty thousand Pounds, and Interest	(E.)	66.
Tolls on Portumna Bridge; for abolishing the Tolls now levied on the Bridge over the Shannon at Portumna	(I.)	23.

		Cap.
Toxteth Park (Lancaster), to further declare the Limits of the District of, for the Purposes of the Public Health Act, 1848	(E.)	10.
Trains, Railway; to amend the Law relating to Cheap Trains, &c.	(G. B. & I.)	75.
Transfer of Land; to facilitate the Sale and Transfer of Land	(I.)	72.
Trusts, Charitable; further to continue the Exemption of certain Charities [Roman Catholic Charities] from the Operation of the Charitable Trusts Acts	(E.)	51.
——— to substitute, in certain Cases, the Bishop of one Diocese for the Bishop of another as a Trustee of certain Trusts [Charitable Trusts]	(E.)	71.
Turnpike Trusts, to confirm certain Provisional Orders made under the Act 14 & 15 Vict. c. 38, to facilitate Arrangements for the Relief of	(E.)	80.
——— to continue certain Turnpike Acts	(G. B.)	63.

U.

Universities; to make Provision for the better Government and Discipline of the Universities of Scotland [St. Andrew's, Glasgow, Aberdeen, and Edinburgh], and improving and regulating the Course of Study therein; and for the Union of the Two Universities and Colleges of Aberdeen	(S.)	83.
——— to give to the Universities of Oxford, Cambridge, and Durham, and the Colleges in those Universities, and to the Colleges of Saint Mary of Winchester, near Winchester, and of King Henry the Sixth, at Eton, Power to sell, enfranchise, and exchange Lands, &c.	(E.)	44.
——— to repeal the Stamp Duties payable on Matriculation and Degrees in the University of Cambridge	(E.)	11.

V.

Vaccination, to amend the Act 16 & 17 Vict. c. 100, concerning	(E.)	25.
——— to make further Provision for the Practice of Vaccination in Ireland	(I.)	64.
Validity of Marriages; to enable Persons to establish Legitimacy and the Validity of Marriages, and the Right to be deemed natural-born Subjects	(G. B. & I.)	93.
——— to remove Doubts as to the Validity of certain Marriages of British Subjects abroad [Moscow, Tahiti, and Ningpo]	(U. K.)	46.

W.

West Indies; to amend "The West Indian Incumbered Estates Act, 1854" [17 & 18 Vict. c. 117]	(U. K.)	96.
Winchester; to give Power to the College of Saint Mary at Winchester to sell, enfranchise and exchange Lands, and also to grant certain Leases, &c.	(E.)	44.
Witnesses, to enable the Committees of both Houses of Parliament to administer Oaths to, in certain Cases	(G. B. & I.)	78.
Wolsingham (Durham); for the future Appropriation of the Tithe or Tenth of Lead Ores in the Parishes of Stanhope and Wolsingham belonging to the respective Rectors thereof, and for making other Provisions for the Endowment of the said Rectories	(E.)	58.
Writs; to extend the Act 24 Geo. 3, c. 26, for issuing Writs during any Recess of the House of Commons	(G. B. & I.)	110.

Y.

Yardley, Sir W.; to make valid certain Acts of the late Chief Justice of Bombay	(U. K.)	32.

A

B I L L

TO

Amend the Patent Law Amendment Act (1852).

WHEREAS the annual Amount from Stamp Duties on Letters Patent for Inventions under the "Patent Law Amendment Act, 1852," has greatly exceeded the total Expenses and Charges connected with the Office of the Commissioners of Patents for Inventions: And whereas such annual Receipt is likely to be considerably increased: And whereas the Reduction of the said Stamp Duties, and the Amendment of the Law regarding Letters Patent, would tend further to promote the bringing forward and putting in Practice new and useful Inventions, to the great Benefit of Manufactures and Commerce: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. Anything in the Patent Law Amendment Act, 1852, or in the Act Sixteenth Victoria, Chapter Five, to the contrary notwithstanding, there shall from the *First Day of October next* be paid, in lieu of the Stamp Duties now received, the Sums specified and set forth in the Schedule hereunto annexed, and no other Stamp Duties whatsoever shall be levied in respect of such Letters Patent, Warrants, Specifications, Disclaimers, Certificates, Entries, Matters, or Things. In lieu of Stamp Duties now received the Sums specified in Schedule to be levied in respect of Letters Patent, &c.

II. Notwith-

Second Application for Letters Patent to be valid if made before the Expiration of the first Provisional Protection.

II. Notwithstanding anything contained in the said Patent Law Amendment Act, 1852, or the Act Sixteenth Victoria, Chapter Five, or the Act Sixteenth and Seventeenth Victoria, Chapter One hundred and fifteen, or any Law or Usage to the contrary notwithstanding, any Person after the *passing of this Act* making a Second Application for Letters Patent, and obtaining a Provisional Protection and a Grant of Letters Patent for the same Invention for which a Provisional Protection had been previously allowed, such Application shall be good, valid, and effectual: Provided always, that the Second Application be made on or before the Expiration of the First Provisional Protection, and that Two Provisional Protections shall not continue and remain valid at One and the same Time for One and the same Invention.

Acts to be construed together.

III. This Act and the Patent Law Amendment Act, 1852, shall be construed as One Act.

SCHEDULE to which this Act refers.

	£	*s.*	*d.*
On Petition for Grant of Letters Patent	2	10	0
On Certificate of Record of Notice to proceed	2	10	0
On Warrant of Law Officer for Letters Patent	2	10	0
On the Sealing of Letters Patent	2	10	0
On Specification	2	10	0
On the Letters Patent or a Duplicate thereof before the Expiration of the Third Year	25	0	0
On the Letters Patent or a Duplicate thereof before the Expiration of the Seventh Year	25	0	0
On Certificate of Record of Notice of Objections	0	5	0
On Certificate of every Search and Inspection	0	1	0
On Certificate of Entry of Assignment or Licence	0	5	0
On Certificate of Assignment or Licence	0	5	0
On Application for Disclaimer	5	0	0
On Office Copies of Documents, per Folio	0	0	2

Patent Law Amendment.

A

BILL

To amend the Patent Law Amendment Act (1852).

(*Prepared and brought in by Mr. Thomas Duncombe, Mr. Scholefield, and Mr. Cowan.*)

Ordered, by The House of Commons, *to be Printed*, 21 *April* 1858.

[Bill 54.]

Under 1 *oz.*

A

BILL

TO

Amend the Laws concerning the Maintenance of Pauper Lunatics.

WHEREAS by Section Fourteen of an Act passed in the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter One hundred and five, "to "amend the Lunatic Asylums Act, 1853, and the Acts passed in "the Ninth and Seventeenth Years of Her Majesty, for the Regulation of the Care and Treatment of Lunatics," it is enacted, that "where any Pauper Lunatic is not settled in the Parish "by which or at the Instance of some Officer or Officiating "Clergyman of which he is sent to an Asylum, registered Hospital, or licensed House, and it cannot be ascertained in what "Parish such Pauper Lunatic is settled, and such Lunatic was "found in a Borough having a separate Court of Quarter Sessions "of the Peace, and which is not liable under the Act of the Session "holden in the Fifth and Sixth Years of King William the Fourth, "Chapter Seventy-six, Section One hundred and seventeen, to the "Payment of a Proportion of the Sums expended out of the County "Rate, such Lunatic may be adjudged to be chargeable to such "Borough by any Two Justices of such Borough, and it shall not "be lawful for any Justices to adjudge such Lunatic to be chargeable to any County, nor to make any Order upon the Treasurer

Preamble. 18 & 19 Vict. c. 105. s. 14.

"of

"of any County for the Payment of any Expenses whatsoever "incurred or to be incurred in respect of the said Lunatic:" And whereas, except in the Cases provided for by the said Enactment, Pauper Lunatics whose Settlement cannot be ascertained are chargeable to the County in which they are found: And whereas under an Act of the Session holden in the Twelfth and Thirteenth Years of Her Majesty, Chapter Eighty-two, a Borough having a separate Court of Quarter Sessions and a sufficient Lunatic Asylum is exempt from contributing to the Payment of Expenses incurred for maintaining Pauper Lunatics chargeable to the County in which such Borough is situate; and it is just that such Pauper Lunatics as aforesaid, when found in Boroughs so exempt, should be chargeable to such Boroughs, and not to the Counties in which such Boroughs are situate: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

18 & 19 Vict. c. 105. s. 14. repealed.

I. The said Section Fourteen of the said Act of the Eighteenth and Nineteenth Years of Her Majesty shall be repealed, save as respects the Repeal therein contained.

Chargeability of Pauper Lunatics whose Settlements cannot be ascertained where found in certain Boroughs.

II. Where any Pauper Lunatic is not settled in the Parish by which or at the Instance of some Officer or Officiating Clergyman of which he is sent to an Asylum, registered Hospital, or licensed House, and it cannot be ascertained in what Parish such Pauper Lunatic is settled, and such Lunatic was found in a Borough having a separate Court of Quarter Sessions of the Peace, and which is not liable under the Act of the Session holden in the Fifth and Sixth Years of King William the Fourth, Chapter Seventy-six, Section One hundred and seventeen, to the Payment of a Proportion of the Sums expended out of the County Rate, or in any Borough which under the said Act of the Twelfth and Thirteenth Years of Her Majesty is exempted from Liability to contribute to the Payment of the Expenses incurred for maintaining Pauper Lunatics chargeable to the County in which such Borough is situate, such Lunatic may be adjudged to be chargeable to such respective Borough; and it shall not be lawful for any Justices to adjudge such Lunatic to be chargeable to any County, nor to make any Order upon the Treasurer of any County for the Payment of any Expenses whatsoever incurred or to be incurred in respect of such Lunatic; and all the Provisions in the "Lunatic Asylums Act, 1853," as to the Mode of determining that a Pauper Lunatic is chargeable to a County, and as to the Orders to be made for Payment of Expenses and other Monies in respect of such Lunatic, and for the Repayment

Repayment thereof to the Treasurer of a County, shall extend to and in the Case of such Borough as if the said Provisions were re-enacted in this Act, and such Borough were therein mentioned or referred to instead of such County.

III. This Act shall be construed with the "Lunatic Asylums Act, 1853," as One Act. Act to be construed with 16 & 17 Vict. c. 97.

Pauper Lunatics.

A

B I L L

To amend the Laws concerning the Maintenance of Pauper Lunatics.

(*Prepared and brought in by Mr. Hardy, Mr. Sotheron Estcourt, and Mr. Knight.*)

Ordered, by The House of Commons, *to be Printed,* 28 *June* 1858.

[Bill 164.]

Under 1 *oz.*

(Ireland.)

A

BILL

TO

Continue the Peace Preservation (Ireland) Act, 1856.

WHEREAS an Act was passed in the Nineteenth and Twentieth Years of the Reign of Her Majesty, Chapter Thirty-six, intituled "An Act for the better Preservation of the Peace in Ireland," which Act was to continue in force until the First Day of July in the present Year: And whereas it is expedient that the said Act should be further continued: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Preamble. 19 & 20 Vict. c. 36.

I. That the said recited Act shall continue in force until the *First Day of July One thousand eight hundred and sixty*, or, if Parliament be then sitting, until the *End of the then Session of Parliament.*

Recited Act continued.

[Bill 121.]

Peace Preservation (Ireland) Act Continuance.

A

BILL

To continue the Peace Preservation (Ireland) Act, 1856.

(*Prepared and brought in by Lord Naas and Mr. Attorney General for Ireland.*)

Ordered, by The House of Commons, *to be Printed,* 10 *June* 1858.

[Bill 121.]

Under 1 *oz.*

A

B I L L

TO

Encourage and facilitate the Erection and Improvement of Piers and Harbours in Great Britain and Ireland.

WHEREAS it is expedient to encourage and facilitate the Erection and Improvement of Piers and Harbours in Great Britain and Ireland, and in certain Cases where it is now necessary to apply to Parliament for special Local Acts to make other Provisions in lieu thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say, Preamble.

I. The Lords of the Admiralty shall be the Commissioners for carrying this Act into Execution, and all Forms, Orders, Notices, Consents, Confirmations, Approvals, and other Acts of the Lords of the Admiralty in execution of this Act shall be in Writing or in Print or partly in Writing and partly in Print, and signed by the Secretary of the Admiralty for the Time being; and all Documents proceeding from the said Commissioners, and executed in pursuance of this Act, or The Lords of Admiralty to be Commissioners. Forms, &c. under this Act to be in Writing signed by Secretary of

Admiralty, and all Forms, &c. to be received in Evidence.

or Copies thereof, purporting to be sealed or stamped with the Seal of the Admiralty, or signed by the Secretary of the Admiralty, as the Case may be, shall be received in Evidence without any further Proof thereof.

Commissioners to frame Forms of Application.

II. The Commissioners shall frame and cause to be printed and circulated as they shall see Occasion Forms indicating the Particulars of Information to be furnished to the Commissioners by Persons proposing to carry on any Works under the Provisions of this Act.

Commissioners to report Proceedings annually to Parliament.

III. The Commissioners shall make and lay before both Houses of Parliament, in the Month of *February* in each Year, if Parliament be then sitting, or if Parliament be not then sitting, then within *One Week* after the next Meeting thereof, a general Report of their Proceedings under this Act, stating the several Cases in which Applications have been made to them, specifying those Cases in which they have withheld their Consent, with the Grounds thereof, and also the Cases in which they shall be of opinion that the proposed Works would be expedient.

Persons may apply to Commissioners to sanction Works and certify the Expediency in annual Report.

IV. From and after the *passing of this Act*, in all Cases where Persons are desirous of obtaining Powers to carry on any Works under this Act they shall make Application to the Commissioners according to the Form which may have been circulated as aforesaid to sanction such Works, and to certify in their annual general Report the Expediency of authorizing such Works.

Persons signing Application to be deemed Promoters.

V. The Persons whose Names shall be subscribed to such Form of Application shall be deemed to be the Promoters of the proposed Works.

Commissioners to require that all Acts, &c. be done as required by Standing Orders of either House.

VI. Upon Application having been so made to the Commissioners, it shall be lawful for them to require that all or any such Acts, Matters, or Things should be done by the Persons making such Application in like Manner as either of the Houses of Parliament shall by its Standing Orders require to be done previous to the Introduction of any Bill into Parliament, so far as, always, that such Standing Orders shall not be repugnant to nor inconsistent with the Powers or Authority hereby granted or intended to be granted to the said Commissioners for the Purposes of executing the Provisions of this Act.

Commissioners may require other Documents to be de-

VII. The Commissioners may require the Promoters to deposit at the Office of the Admiralty any Plans, Sections, Statements, and other Documents as the said Commissioners shall deem necessary to

satisfy

satisfy themselves as to the Expediency of sanctioning the proposed Works. posited with those directed by Standing Orders.

VIII. So much of the Harbours, Docks, and Piers Clauses Act, 1847, as relates to the Construction or Management of Piers and Harbours, and is not repugnant to nor inconsistent with this Act, shall be and the same hereby is incorporated with this Act. Harbours, &c. Clauses Act, 1847, to be incorporated.

IX. The Lands Clauses Consolidation Act, 8 Vict. c. 18, 1845; the Lands Clauses Consolidation Act, 8 Vict. c. 19, 1845; the Companies Clauses Consolidation Act, 8 Vict. c. 16, 1845; the Companies Clauses Consolidation Act, 8 Vict. c. 17, 1845; the Commissioners Clauses Act, 1847, so far as the Provisions of such Acts are not repugnant to nor inconsistent with this Act, shall be and the same hereby are incorporated with this Act. Lands Clauses Act, 1845, &c. to be incorporated.

X. So much of the Preliminary Inquiries Act, 1851, as relates to the Construction of any Works contemplated by this Act shall be and hereby is repealed. Part of Preliminary Inquiries Act, 1851, repealed.

XI. It shall be lawful for the Commissioners to appoint a competent Person or Persons to be an Inspector, and to employ any Secretary, Clerk, Messenger, or other Officer, for the Purpose of inquiring in such Manner and at such Time and Place as they shall deem necessary to enable them to report to Parliament touching the Expediency of authorizing any proposed Works; and such Inspector shall hold a Meeting or Meetings to hear any Objections which may be made to the proposed Works, and any Information which may be offered in relation thereto, and may adjourn such Meetings respectively, and shall give Notice of the Time and Place of every such Meeting *Fourteen* Days at least before every such Meeting (Meetings by Adjournment only excepted) by Advertisement in the London, Edinburgh, or Dublin Gazette, and in any Newspaper of every County in which any new Works are proposed to be constructed. Commissioners may appoint Assistant Commissioners.

XII. For the Purposes of such Inquiry any Inspector may, by Summons under his Hand, summon before him any Person having the Custody of any Map, Survey, or Book made or kept in pursuance of any Act of Parliament, to produce such Map, Survey, or Book for his Inspection, and the said Inspector may summon, in manner aforesaid, any other Person whose Evidence shall in the Judgment of the said Inspector be material to the Inquiry, and pay or allow to every such Person so summoned the reasonable Charges of his Attendance; and such Inspector shall also have Power to administer an Oath to all Persons who may be examined by him touching the Premises. May summon Witnesses and examine them upon Oath.

Penalty for Nonattendance or refusing to answer Questions.

XIII. Any Person, being summoned by such Inspector, who, after the Delivery to him of such Summons as aforesaid, or of a Copy thereof, shall wilfully neglect or refuse to attend in pursuance of such Summons, or to produce such Maps, Surveys, Books, or other Documents as he may be required to produce under the Provisions herein-before contained, or to answer upon Oath or otherwise such Questions as may be put to him by such Inspector under the Powers herein contained, shall be liable to forfeit and pay a Penalty not exceeding *Five Pounds*, which may be recovered before any Two or more Justices having Jurisdiction within the County, Town, District, or Place wherein such Inquiry shall be held; and on Conviction of the Offender, and in default of Payment of any such Penalty, such Justices shall be empowered and required to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under their Hands and Seals; and such Penalty shall be paid to the Treasurer of the County within which such Conviction shall take place in aid of the County Rate; provided that no Person, other than the Promoters, or their Agents, shall be required to attend in obedience to any Summons, unless the reasonable Charges of his Attendance be paid or tendered to him, nor to travel in obedience thereto more than *Ten* Miles from his usual Place of Abode.

Admiralty may take Security for Payment of Expenses of Inquiry.

XIV. Before instituting any such Inquiry the said Commissioners may, if they think fit, require and take such Security for the Payment of the whole or any Part of the Costs, Charges, and Expenses to be incurred by them in respect of such Inquiry (including the Remuneration of any Inspector) as to them shall seem fit; provided always, that the Remuneration to an Inspector shall not exceed the Sum of *Three Pounds Three Shillings* for every Day he shall be actually employed or travelling in the Performance of the Duties of his Office; provided also, that the said Commissioner may allow to any Inspector, Secretary, Clerk, Messenger, or other Officer such reasonable travelling and other Expenses as may be incurred by him in the Performance of his Duties under this Act in addition to his Salary or Allowance, if any, respectively; and whenever any such Security is given, the Costs, Charges, and Expenses in respect whereof it is given shall, to such Amount as shall be certified by the said Commissioners (not exceeding the Extent or Amount of such Security), be a Debt due to Her Majesty from the Person or Persons respectively by whom the same is entered into; and if the Expenses shall exceed the Amount of such Security, then such Excess shall be a Debt due to Her Majesty from the Promoters, and be recoverable by Action in any Court of Law of competent Jurisdiction.

XV. The

XV. The Inspector to whom such Application shall be referred shall report in Writing to the Commissioners the Result of his Inquiries, and his Opinion as to the Expediency or Inexpediency of the proposed Works, with the Reasons for such Opinion; and in case he shall think the Execution of the proposed Works would be expedient he may specify any Terms or Conditions which may appear to him to be proper for the Protection of any public or private Interests. Inspector to report in Writing to Commissioners.

XVI. If, on the Report of such Inspector or after any further Inquiries they shall think necessary in relation thereto, the Commissioners shall be of opinion that the proposed Works would be expedient, the Commissioners, by provisional Order under the Seal of the Admiralty, shall set forth the Terms and Conditions on which they shall be of opinion that the proposed Works should be executed, having regard especially to such Rights and Interests, Crown, public, private, or otherwise, Proof of which shall have been given to the said Commissioners or Inspector, as the Case may be, and accordingly as the Case may appear to the Commissioners to require, or as the Parties interested, with the Approbation of the Commissioners, may have agreed, the Commissioners shall set forth in the said provisional Order such Provisions as the Circumstances of each may require, and which are now usually contained in Private Local Acts of Parliament authorizing any of the Works contemplated by this Act. Commissioners to issue provisional Order setting forth Terms and Conditions.

XVII. In case by any Act of Parliament hereafter to be passed it shall be enacted that any proposed Works, the Expediency of which shall have been certified by the said Commissioners in their annual general Report as aforesaid, or any of them, be proceeded with, the same shall be proceeded with and completed according to the Provisions of this Act, and on the Terms and Conditions and under the sundry Provisions in the provisional Order of the Commissioners specified in that Behalf, and every such Act of Parliament hereafter to be passed containing such Enactment as aforesaid shall be deemed a Public General Act. Acts of Parliament passed in pursuance of Commissioners annual Report to be deemed Public General Acts.

XVIII. Where under any Local Act for the Construction or Improvement of any Pier or Harbour the Powers and Authorities originally vested in the Commissioner or Commissioners appointed or elected under any such Local Act, or any such Power or Authority, shall not have been executed according to the Intent of such Local Act, and shall have been lost or become incapable of being executed by reason of the Neglect or Omission to execute the same, or to take some Commissioners may revive Powers under Local Acts lost by Lapse of Time, or otherwise.

Proceeding necessary to the due Execution thereof within the Time limited in that Behalf by such Local Act, or from any other Cause whatsoever, it shall be lawful for the Commissioners, by any Order under the Seal of the Admiralty, to authorize the Commissioner or Commissioners appointed by or elected under the Authority of such Local Act to execute and to carry into effect the Powers and Authorities originally vested in such last-mentioned Commissioner or Commissioners, or in any previous Commissioner or Commissioners under such Local Act, in the same Manner as if such Powers and Authorities had not been lost or become incapable of being executed, or as near thereto as Lapse of Time and other Circumstances may permit, and subject to such Conditions and Restrictions as the Justice of the Case may appear to require, and in and by such Order to direct any Act or Proceeding to be done or taken in substitution for any Act or Proceeding which shall have been required or directed by such Local Act, and which shall have become incapable of being done or taken by Lapse of Time or other Circumstances; and all Proceedings, Adjudications, Orders, Directions, and Acts taken, made, and done by the Commissioner or Commissioners under any Local Act in pursuance of any such Order as aforesaid of the Commissioners shall have the same Force and Effect as if the same had been duly authorized by such Local Act; and the Expenses of such Order, and of the Inquiries in relation thereto, shall be paid by the Commissioner or Commissioners acting under such Local Act, and shall be deemed Expenses under the Works by such Local Act authorized.

Interpretation.

XIX. In the Construction of this Act the Words and Expressions herein-after enumerated shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say:

The Expression "the Lords of the Admiralty" shall mean the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral:

The Expression "the Commissioners" shall mean the Lords of the Admiralty:

The Word "Oath" shall include Affirmation in the Case of Quakers, and any Declaration lawfully substituted for an Oath in the Case of any other Persons allowed by Law to make a Declaration instead of taking an Oath:

The Word "Works" shall include any Pier, Quay, Wharf, Jetty, or Excavation or other Work, whether complete or incomplete, for the Erection or Improvement of any Pier or Harbour on the Shore of the Sea, or of any Creek, Bay, Arm of the Sea, or navigable River communicating therewith:

The

The Word "Person" and the Word "whosoever" shall apply to and include any Corporation, whether aggregate or sole:

The several Words and Expressions contained in the Clauses of any Acts incorporated with this Act shall have the Meanings assigned to them by such Act or Acts, except in Cases in which other Meanings are expressly assigned to them by this Act.

XX. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Words and Figures "The General Pier and Harbour Act, 1858." Short Title.

A

BILL

To encourage and facilitate the Erection and Improvement of Piers and Harbours in Great Britain and Ireland.

(*Prepared and brought in by Mr. Paull, Mr. Bramley-Moore, and Mr. Lindsay.*)

Ordered, by The House of Commons, *to be Printed*, 8 *June* 1858.

[Bill 115.]

Under 1 *oz.*

Police Force (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Short Title of Act; Sect. 1.

Constabulary Acts to include Dublin and to be construed as One with this Act; 2.

Lord Lieutenant enabled to appoint additional Officers and Men for Dublin and Belfast; 3.

Lord Lieutenant enabled to transfer Men from Dublin and Belfast Police; 4.

Lord Lieutenant may order additional Remuneration to Constables; 5.

Dublin Metropolitan Police Force and Belfast Police to cease; 6.

Police Districts to be in charge of the Constabulary; 7.

Office of Receiver of Metropolitan Police to cease; 8.

Surgeon, Appointment of; 9.

Compensation for Offices abolished; 10.

Compensation chargeable on Borough; 11.

Police Rates to be levied as before; 12.

Amount chargeable ascertained by Certificate of Inspector-General; 13.

Additional Constabulary Force in Boroughs and Towns; 14.

Compensation Allowance to Justices, &c., on Reduction of Police Offices; 15.

Recorder's Salary chargeable upon Borough Rates; 16.

Dublin Carriage Licences not to be charged on Country Carts; 17.

(Ireland.)

A

BILL

TO

Make better Provision for the Police Force in Dublin and other Towns in Ireland.

Preamble.

Recital of Constabulary Acts.

WHEREAS several Acts of Parliament, herein-after called the Constabulary (Ireland) Acts, have been from Time to Time passed, and are now in force, to consolidate and amend the Laws relating to the Constabulary Force in Ireland, that is to say, an Act of the Sixth Year of the Reign of King William the Fourth, Chapter Thirteen; an Act of the Second and Third Years of the Reign of the Queen, Chapter Seventy-five; an Act of the Eighth and Ninth Years of the said Reign, Chapter Forty-six; an Act of the Ninth and Tenth Years of the said Reign, Chapter Ninety-seven; an Act of the Tenth and Eleventh Years of the said Reign, Chapter One hundred; an Act of the Eleventh and Twelfth Years of the said Reign, Chapter Seventy-two; an Act of the Fourteenth and Fifteenth Years of the said Reign, Chapter Eighty-five; and an Act of the Twentieth and Twenty-first Years of the said Reign, Chapter Seventeen: And whereas the said Constabulary (Ireland) Acts extend and apply to all Parts of Ireland except the Police District of Dublin Metropolis, and it is expedient that the Application of the said Acts should be extended in the Manner herein-after provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and

6 W. 4. c. 13.
2 & 3 Vict. c. 75.
8 & 9 Vict. c. 46.
9 & 10 Vict. c. 97.
10 & 11 Vict. c. 100.
11 & 12 Vict. c. 72.
14 & 15 Vict. c. 85.
20 & 21 Vict. c. 17.

Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title of Act.

I. This Act may be cited for all Purposes as "The Constabulary (Ireland) Act, 1858."

Constabulary Acts to include Dublin, and to be construed with this Act as One.

II. The Constabulary (Ireland) Acts shall be held to apply to and include the County of the City of Dublin and such Parts of the County of Dublin as are now or shall be within the Police District of Dublin Metropolis, as if the said Police District had been originally included therein by Name, and the said Acts and this Act shall be construed as One Act, so far as is consistent with their Context and Objects.

Constabulary Force for Dublin Metropolis and Belfast Borough.

Limit of Force chargeable to Consolidated Fund.

Cost of Residue borne.

III. In addition to the Number of Officers and Men of the Constabulary Force in Ireland, authorized by the Constabulary (Ireland) Acts to be appointed, the Lord Lieutenant may at his own Discretion appoint, in respect of the Police District of Dublin Metropolis and of the Borough of Belfast, such a Number of Officers and Men as he may from Time to Time consider to be required: Provided, that the total Number of such additional Officers and Men which shall be wholly chargeable on any Fund which has been or may from Time to Time be provided by Parliament for such Purpose shall not in any One Year exceed the Numbers specified in the Schedule (A.) to this Act annexed; and the Pay and Expenses of the Residue of the Sub-Inspectors, Constables, and Sub-Constables to be appointed for the said Metropolitan Police District and for the said Borough respectively shall be defrayed from and out of any Funds applicable to the Support of the Police of the said Metropolitan District and the said Borough of Belfast respectively, and the Monies from Time to Time granted by Parliament for the Constabulary Force of Ireland, in the Manner and Proportions and at the Rates fixed by the said Act of the Eleventh and Twelfth Years of the Queen, Chapter Seventy-two, Section Four; and the Officers and Men so appointed shall become and be to all Intents and Purposes Part of the Constabulary Force of Ireland, subject to the like Control of the Inspector General and Provisions in respect of Distribution and Removal and Dismissal, and with the like Powers of Re-appointment in Cases of Vacancies by Death, Removal, or Resignation, and shall be charged with the like Duties, Powers, and Authorities, and shall take the same Oaths and become subject to the Deductions in respect of the Superannuation and Police Reward Funds, and to the like Penalties in all respects as the Officers and Men of the Constabulary Force.

IV. The

IV. The Inspector General, subject to the Approval of the Lord Lieutenant, may transfer such of the Officers and Men in the present Dublin Metropolitan Force, and may receive such of the Officers and Men in the Belfast Police Force in and to the Constabulary, who shall consent to be so transferred or received, and shall appoint them to such Ranks in the Constabulary as he shall deem proper; and may appoint so many of the Officers and Men of the said Police Forces respectively in excess of the Number of Officers and Men then immediately necessary for the Constabulary Force to be Supernumeraries therein for such Time and in such Ranks as he shall think proper, until by Vacancies in the Constabulary Force there shall cease to be an Excess of the Number required; and the Officers and Men so transferred shall be entitled to reckon the Period of their previous Service in the Police of Dublin Metropolis, or Belfast, as equivalent in all respects to the same Amount of Service in the Constabulary Force: Provided, that the total Number of Officers and Men whose Expenses shall be wholly defrayed from Monies granted by Parliament shall not exceed the Number specified in the Schedule hereto annexed.

Lord Lieutenant may transfer Police to the Constabulary.

Service in the Police to reckon for the Constabulary.

V. The Lord Lieutenant, in consideration of the more onerous Duties to be discharged by the Police Force in Cities and Towns, may, if he shall so think proper, fix and appoint to be paid to each Sub-Inspector, Head and other Constable, and Sub-Constable for the Time being, employed in the Constabulary Force for the District of Dublin Metropolis, and for the Borough of Belfast, and for any other City, Borough, or Town in Ireland the Town Council or Commissioners of which shall apply for an extra Force therein, as herein-after mentioned, such further and additional Salary and Remuneration over and above the ordinary Salary and Compensation authorized to be fixed in respect of Sub-Inspectors, Head or other Constables, or Sub-Constables in the Constabulary Force generally, and may continue to such of the Officers and Men of the Police Force of Dublin Metropolis, and of any other Borough or Town as may be transferred or received into the Constabulary Force, and while employed in the said Metropolitan District or Borough or Town, the Rate of Pay and Remuneration which they shall respectively have had before such Transfer; but such extra Salary and all Excess of Remuneration over and above the Rates authorized in respect of the general Constabulary Force shall be charged wholly to the District or Place to which such Sub-Inspector, Head or other Constable, or Sub-Constable is appointed.

Extra Remuneration for Town Constabulary.

VI. From and after a Day to be fixed by the Lord Lieutenant of Ireland, and notified in the "Dublin Gazette," the Appointments and Offices of the Commissioners, Superintendents, Inspectors, Clerks, Serjeants, Chief Constables, Constables, and Sub-Constables, and of all other Persons connected with the Police Force of Dublin Metropolis (except

Offices in the Police to cease after a Day to be fixed.

(except the Justices, Officers, and Clerks of the Dublin Metropolitan Police Courts) and the Police Force of the Borough of Belfast, shall cease, and they shall severally discontinue acting in such Offices, and all Houses, Outhouses, and Appurtenances, Furniture, Horses, Carriages, Vans, Arms, Accoutrements, Saddles, Bridles, Clothing, Books, Papers, and Appointments and Things whatsoever belonging to the Police of Dublin Metropolis, or rented, held, or provided for their Use, shall be applied, transferred, and employed and converted to the Use and Accommodation of the Constabulary Force so established, and the Rights, Property, and Interest therein shall immediately thereafter vest in the Receiver of the Constabulary Force of Ireland, who shall be entitled to prosecute and sue for the same in his own Name or by the Name of his Office; and if any Constable or other Person belonging to the Metropolitan Police shall not, within *One Week* after he shall cease to hold his Office, deliver over all and every the Arms, Horses, Accoutrements, Clothing, and other Appointments whatsoever which have been supplied to him for the Execution of his Office to the said Receiver, or such Person as the Inspector General shall appoint, the Person making default shall, on Conviction of such Offence, be liable to Imprisonment for any Period not exceeding *Two* Calendar Months, and to be kept to Hard Labour, as the Magistrate before whom he shall be convicted shall think proper.

Police District of Dublin Metropolis and Belfast to be in charge of Constabulary.

VII. The Police Districts of Dublin Metropolis and of the Borough of Belfast shall continue, and may be enlarged or divided when necessary, as if this Act had not passed; and from and after the Day to be fixed as aforesaid the said District and every City, Borough, and Town in Ireland shall be in the Charge of the Inspector General of the Constabulary and of the Constabulary Force exclusively so far as regards the Preservation of the Peace therein;

Duties and Powers of Police transferred to the Constabulary.

and all the Duties, Powers, and Privileges given or imposed by any Act of Parliament, general or local, to or upon the Commissioners of Police of Dublin Metropolis, or to or upon the Council of the Borough of Belfast, or to or upon any other Municipal Body in Ireland, in respect of any City, Borough, or Town, for the Government and Direction of the Police Forces therein, and for the general Discharge of all Duties therein connected with the Police Establishment and the Preservation of the Peace, shall devolve upon and be had and exercised by the Inspector General of the Constabulary, and all the Duties, Powers, and Privileges conferred or imposed on the Officers and Men of the Police Force of Dublin Metropolis and of any other City, Borough, or Town in Ireland respectively for the Preservation of the Peace shall devolve upon and be had and exercised by the Constabulary Force of such Metropolis, City, Borough, or Town; and all the Functions, Duties, Powers, and Privileges whatsoever of the said Commissioners jointly, and of any One Commissioner severally

severally, in relation to granting of Carriage and other Licences and Matters whatsoever not otherwise disposed of and provided for, shall belong to the Inspector General of the Constabulary, or to such Person or Persons as he shall, with the Approbation of the Lord Lieutenant, in that Behalf appoint; and all such Licences as were heretofore required to be had and taken from the said Commissioners or One of them shall be required and taken from and granted by the said Inspector General or Person in that Behalf appointed, and shall have the like Effect in the like Cases as heretofore.

Office of Receiver of Dublin Police to cease, and Duties transferred to the Receiver of the Constabulary.

VIII. From and after the Day to be fixed as aforesaid, the Office of Receiver for the Metropolitan Police District shall cease, and all Monies standing to the Account of the Public Monies of the Receiver of the Metropolitan Police District, and all Stock, Bills, Notes, Government and other Securities for Money vested in such Receiver by virtue of his Office, shall vest in the Receiver for the Constabulary Force, and shall be immediately transfered to his Account, and the Receiver of the Constabulary Force shall (subject to such Regulations as the Treasurer may direct) be to all Intents and Purposes deemed the Successor in Office to the Receiver of the Dublin Metropolitan Police District, as if the last-mentioned Receiver had resigned his Office, and the Receiver for the Constabulary had been appointed in his Stead; and all the Rights, Duties, and Liabilities heretofore belonging to and discharged by the Receiver for the Metropolitan Police District shall devolve on the Receiver for the Constabulary Force in the same Manner as if they had appertained to his Office at the Time of his Appointment, and nothing herein contained shall alter or discharge the Liability or Obligation of any Surety of such Receiver: Provided that the Commissioners of the Treasury may continue the present Receiver of the Dublin Metropolitan Police Force in the Receipt of the Salary of his Office for a limited Period of Time after the Day to be fixed, as heretofore enacted, in order to enable him to close and transfer satisfactorily the Business of his Office.

Receiver may be continued for a limited Period.

Surgeon to the Dublin Police Force.

IX. The Lord Lieutenant may appoint the present Surgeon and Apothecary of the Dublin Metropolitan Police Force to be the Surgeon and Apothecary of the Constabulary for the District of Dublin Metropolis, and at their present Salaries, and may remove them, or either of them, at his Pleasure; and in case of any Vacancy of the Office by Death, Resignation, or Removal, (as well as in the event of the Lord Lieutenant not appointing the present Surgeon and Apothecary to the Constabulary Force,) the Lord Lieutenant may appoint either a Surgeon or an Assistant Surgeon, and an Apothecary, to the Force in the said District at such Salary as he may fix, subject to the Approval of the Commissioners of the Treasury.

Compensation to Officers whose Offices are abolished.

X. The Lord Lieutenant, with the Consent of the Commissioners of the Treasury, may grant to any Commissioner of Police, Receiver, Clerk, Surgeon, or other Person belonging to the Police of the District of Dublin Metropolis, whose Office shall be abolished, cease, or become unnecessary under this Act, such an adequate Compensation, by way of yearly Allowance or other Gratuity, as he shall deem to be just; provided that the Person so to be compensated shall be qualified to receive a Retiring Allowance or Superannuation according to the Provisions for the Regulation of the Force to which he belonged if he had been removed from his Office, and that the Amount of such Compensation shall not exceed the Amount thereby prescribed, or, in case no Amount shall be fixed, shall not exceed an Amount corresponding to the Amount prescribed by the Act of the Tenth and Eleventh Years of the Reign of the Queen, Chapter One hundred, in respect of Members of the Dublin Metropolitan Police Force, for a like Period of Service; but in case the Person claiming Compensation shall have served, or been in Office, or contributed for a Time short of the actual Period required (if any) to qualify such Person to receive a Retiring Allowance, the Lord Lieutenant may notwithstanding, if he shall so think fit, grant to such Person such a Proportion of the Salary of which he shall be in receipt at the Period of his Removal, or such a Sum of Money in gross, as in the Judgment of the Lord Lieutenant, subject to the Approbation of the Treasury, shall meet the Justice of the Case; and in calculating the Period for which any Person shall have served there shall be reckoned such Time as he shall have served under any of the Acts relating to the Metropolitan Police Force or to the Constabulary Force: Provided that the Payment of any such Compensation or Allowance shall cease and be suspended while the Person to which it shall be granted shall hold any Office in the Constabulary Force, or in any Public Department, the Salary or Profits whereof shall be equal to or exceed the Amount of such Compensation or Allowance, and in case the Salary or Profits of the new Office shall be less than the Compensation or Allowance, then no more of such Compensation or Allowance shall be paid to him than so much as, with the Salary and Profits of the new Office, shall be equal to the Amount of the Salary enjoyed by such Person at the Time of his Removal from Office; and it shall be lawful for the Town Council or Commissioners of any Borough or Town to grant to any Officer or other Person belonging to the Police Force of such Borough or Town whose Office shall cease or become unnecessary by means of the Provisions of this Act such an adequate Compensation, by way of yearly Allowance or other Gratuity, as shall to them seem to be just.

Compensation in certain Cases suspended in case of Re-appointment to Constabulary.

Compensation to be

XI. All Compensations and Allowances, Pensions and Gratuities, to be given or granted in respect of any Office which shall be

be abolished or cease under this Act, (except the Office of Commissioner,) shall be wholly charged on and defrayed by the local Funds applicable to the Support of the local Police Force in the District to which the Person so compensated belonged; and nothing in this Act shall affect or alter the Payment of any Superannuation, Allowance or Pension heretofore lawfully charged on or payable by the Funds applicable to the Police Establishment in Dublin Metropolis, or in any other Borough or Town, but the same shall be paid as heretofore, and the Compensations to be granted to each of the present Commissioners of Police shall be chargeable on such Funds as Parliament shall provide for that Purpose.

defrayed from local Rates.

Previous Compensations.

XII. The several Provisions relating to the Applotment, Levy, Collection, Recovery, and Receipt of Rates applicable, wholly or in part, to the Support of the Police Establishment in the Police District of Dublin Metropolis and of the Borough of Belfast respectively, and for the Recovery and Application of Fines and Penalties and Duties on Licences in the Police District of Dublin Metropolis, and applicable to the Payment of the Expenses of the Metropolitan Police, and of the Divisional Police Courts and Offices, shall continue in force, notwithstanding the passing of this Act, and the said Rates and Monies shall be assessed and collected and disposed of in like Manner as heretofore, or as nearly so as the Circumstances of the Case will admit.

Police Rates to be collected as before.

XIII. The Receiver of the Constabulary Force shall, on or before the Day of in every Year, transmit an Account of all such Sums as are chargeable on the Borough of Belfast, in respect of the Expense of the Constabulary Force in the said Borough, to the Town Council thereof, and the said Council shall transmit each such Account to the Inspector General of the Constabulary, with such Remarks thereon as they shall think fit to be made; and the Inspector General, or, in his Absence, One of his Deputies, having ascertained the Amount of the Monies chargeable to the said Borough, shall make his Certificate under his Hand, specifying the Force or Service in respect of which such Charge shall have been incurred, and transmit the same, when approved by the Chief or Under Secretary to the Lord Lieutenant, to the Mayor, and thereupon the Town Council shall, out of the General Rates and Assessments of the said Borough, pay the Amount mentioned in such Certificate to the Paymaster of Civil Services in Ireland: The Inspector General of the Constabulary having ascertained the Amount chargeable on the Police District of Dublin Metropolis, shall make out his Certificate under his Hand, specifying the Force and Services in respect of which the Charge shall have been incurred, and transmit the same, when approved by the Chief or Under Secretary to the Lord Lieutenant,

Receiver to send Accounts chargeable.

tenant, to the Collector General of Rates, who shall applot, levy, and collect the Money therein mentioned in the Manner and subject to the Regulations contained in the Act of the Twelfth and Thirteenth Years of the Queen, Chapter Ninety-one, as if the same were an Estimate made by the Justices of the Peace therein named, and shall pay over the Amount thereof to the Paymaster of Civil Services in Ireland.

Additional Constabulary for Boroughs and Towns.

XIV. And whereas, by an Act of the Third and Fourth Years of the Reign of the Queen, Chapter One hundred and eight, Section One hundred and twenty-one, it is enacted, that if any Council of any Borough named in the Schedule (A.) annexed to the said last-mentioned Act should memorialize the Lord Lieutenant for an additional Constabulary Force to be stationed in the Borough, the Lord Lieutenant may add to the Force of the County any such Number of Officers and Men as the Council of the Borough might require: And whereas the Payment of the Expenses of such additional Force is regulated by the Act of the Eleventh and Twelfth Years of the Queen, Chapter Seventy-two, Section Four: And whereas, by the "Towns Improvement Act (Ireland), 1854," Section Eighty-nine, it is enacted that the Lord Lieutenant may, on the Application of Town Commissioners of any Town, increase the Constabulary Force in such Town for the Purposes therein mentioned: And whereas it is just and expedient that the Expenses of such last-mentioned additional Constabulary should not be borne exclusively by the Rates of such Town: Be it therefore enacted, That in all Cases in which the Lord Lieutenant shall, on the Application of the Town Council or Commissioners of any Borough or Town having Power to levy a Rate or a Tax applicable to the Purpose of defraying the Amount chargeable on the Borough or Town in respect of the Expenses of a Police or Constabulary Force, add to the Constabulary Force in such Borough or Town, there shall be chargeable to such Borough or Town for each Sub-Inspector, Head and other Constable or Sub-Constable, the several and respective Sums mentioned in the said Act of the Eleventh and Twelfth Years of the Reign of Queen Victoria, Chapter Seventy-two, Section Four, together with the entire Amount of any extra Remuneration which the Lord Lieutenant may direct to be paid to the Sub-Inspector, Head or other Constables or Sub-Constables, in respect of the more onerous Nature of the Duties to be by them discharged, to be paid out of the Rates or General Assessment, upon the Certificate of the Receiver for the Constabulary Force in Ireland.

With regard to the Police Courts of the District of Dublin Metropolis, be it enacted as follows:

When Police Offices reduced

XV. Whenever the Number of Police Divisions in the District shall be reduced below *Three* the Lord Lieutenant may select from the

the Justices then acting as such so many as may be required to discharge the Duties of the Police Courts, and supersede any other of them whose Services shall not be required, and in like Manner supersede any Clerk or Clerks previously attached to such Courts, provided that there shall not be less than *Two* Justices for each remaining Office; and the Lord Lieutenant may, with the Sanction of the Commissioners of the Treasury, increase the Salaries of such remaining Justices, and of the Justices to be thereafter appointed in their Stead, to such Sum by the Year as he shall direct, not exceeding in the whole the Sum of *Eight hundred Pounds* for each Justice, to be charged on the local Funds applicable to the Maintenance of the Police; and the said Lord Lieutenant may, with the Consent of the Commissioners of the Treasury, grant to every Justice or Clerk or other Person in any Police Office abolished or becoming unnecessary under this Act, and who shall not be re-appointed or employed in an Office of equal Value, such a Compensation or Allowance, chargeable on the said Funds, as under the Circumstances of each Case shall appear just: Provided that the Compensation and Allowance of any Justice so superseded or removed within *One Year* from the passing of this Act shall be calculated on the Amount of Salary payable at the Time of its passing.

Justices may be superseded.

Salary of Justices.

6 & 7 W. 4. c. 29. s. 3.

Compensation for Offices abolished.

XVI. The Salary to which the Recorder of the City of Dublin is entitled by virtue of his Office, or under any Act or Acts of Parliament, or otherwise, shall, from and after the *Day of One thousand eight hundred and fifty-nine*, be charged upon and payable out of the Borough Rates or Funds of the Borough of Dublin, and shall be paid to the said Recorder by the Treasurer of the Borough, by Two half-yearly Payments, on every Day of and Day of , and shall be a first and paramount Charge on the said Funds.

Recorder's Salary charged on Borough Rate.

XVII. And whereas by the "Dublin Amended Carriage Act, 1854," it is provided that there shall be paid in each Year to the Officer duly appointed for that Purpose for every Licence to be granted under the said Act for a Cart or Dray used or let to Hire within the Limits of the said Act the Sum of *Twelve Shillings*, and Doubts have arisen in respect of the said Provision: Be it therefore enacted, That the said Provision shall not be construed so as to require a Licence for or in respect of any Cart or Dray coming within the Police District of Dublin Metropolis from Parts of the Country situate beyond the said District.

Dublin Carriage Licences not to be imposed on Country Carts and Drays.

SCHEDULE referred to in the foregoing Act.

SCHEDULE (A).

For the Police District of Dublin Metropolis.

Assistant Inspector General	*1*
County Inspector (to be called the City Inspector of Constabulary)	*1*
Sub-Inspectors	*2*
Head Constables	*31*
Constables and Sub-Constables	*400*
Surgeon or Assistant Surgeon	*1*
Apothecary	*1*

For the Borough of Belfast.

Sub-Inspector	*1*
Head Constables	*2*
Constables and Sub-Constables	*100*

Police Force (Ireland).

A

B I L L

To make better Provision for the Police Force in Dublin and other Towns in Ireland.

(*Prepared and brought in by Lord Naas and Mr. Attorney General for Ireland.*)

Ordered, by The House of Commons, *to be Printed,* 15 *June* 1858.

[Bill 135.]

Under 2 oz.

(Scotland.)

A

BILL

TO

Amend an Act of the last Session, to render more effectual the Police in Counties and Burghs in Scotland.

WHEREAS by the Eighth Section of an Act passed in the last Session of Parliament, intituled "An Act to render "more effectual the Police in Counties and Burghs in "Scotland," it is enacted, that it shall be lawful for the Sheriff of any County within whose Jurisdiction the Works of any Railway, Canal, or other public Work of a similar Nature shall be in Progress of Construction, upon the Application of the Company or other Parties carrying on any such public Work, or for any Two Justices of the Peace of such County usually acting in the District in or through which any such public Work may be in the Course of Construction, on similar Application, to give Directions for the Purpose of keeping the Peace: And whereas it is expedient that Justices of the Peace should be authorized to make such Application to the Sheriffs of Counties, and that the Power of giving Directions should be confined to such Sheriffs: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual Preamble.

Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Repeal of Section 8. of 20 & 21 Vict.

I. The Eighth Section of the said recited Act is hereby repealed.

Power to appoint additional Constables to keep the Peace on public Works.

II. It shall be lawful for the Sheriff of any County within whose Jurisdiction the Works of any Railway, Canal, or other public Work of a similar Nature shall be in Progress of Construction, upon the Application of the Company or other Parties carrying on any such public Work, or of any Two Justices of the Peace of such County usually acting in the District in or through which any such public Work may be in the Course of Construction, to direct from Time to Time the Chief Constable of such County to appoint such additional Number of Constables as such Sheriff may think fit for the special Purpose of keeping the Peace, and for the Security of Persons and Property against Crimes and unlawful Acts, within the Limits of such public Works and within a Mile therefrom, and such Constables so appointed shall be specially charged with such Duties, and shall have all the Powers, Privileges, and Duties of other Constables appointed under the said recited Act; and such Sheriff shall decern the Compan y or other Parties carrying on such public Works to make Payment to the Clerk of Supply of the County of the Wages and Allowances of such Constables so appointed, at such Rate and at such Time and in such Manner as the Sheriff shall appoint: Provided always, that the Rate so paid shall not exceed the highest Rate paid for the Time to any other Constable of the County; and where the Company or other Parties carrying on any public Work shall refuse or neglect, within Fourteen Days next after the Demand thereof, to pay any such Wages and Allowances or any Part thereof as shall by such Sheriff have been directed to be paid, it shall be lawful for such Sheriff forthwith to cause the same to be levied, together with the Expense of levying the same, by Poinding and Sale of the Goods and Effects of the Company or other Parties liable to pay such Wages and Allowances.

Recited Act and this Act to be construed as One.

III. The said recited Act and this Act shall be read and construed as One Act.

Police (Scotland) Act Amendment.

A

BILL

To amend an Act of the last Session, to render more effectual the Police in Counties and Burghs in Scotland.

(*Prepared and brought in by The Lord Advocate and Mr. Secretary Walpole.*)

Ordered, by The House of Commons, *to be Printed,* 2 *July* 1858.

[Bill 176.] *Under* 1 *oz.*

A

BILL

TO

Amend the Act of the Fifty-ninth Year of King George the Third, Chapter Twelve, to amend the Laws for the Relief of the Poor.

WHEREAS by Section Nineteen of an Act passed in the Session holden in the Fifty-ninth Year of His late Majesty King George the Third, Chapter Twelve, intituled "An "Act to amend the Laws for the Relief of the Poor," the Inhabitants of any Parish in Vestry assembled are empowered to resolve and direct that the Owner or Owners of all Houses, Apartments, or Dwellings in such Parishes, being the immediate Lessor or Lessors of the actual Occupier or Occupiers, which shall respectively be let to the Occupiers thereof at any Rent or Rate not exceeding Twenty Pounds nor less than Six Pounds by the Year, for any less Term than One Year, or on any Agreement by which the Rent shall be reserved or made payable at any shorter Period than Three Months, shall be assessed to the Rates for the Relief of the Poor for or in respect of such Houses, Apartments, or Dwellings, and the Outhouses and Curtilages thereof, instead of the actual Occupiers: And whereas it is doubtful whether in such Case such Occupier is entitled to any Municipal Privileges and Franchises to which, by virtue of an Act Preamble.

passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of King William the Fourth, intituled "An Act to pro- "vide for the Regulation of Municipal Corporations in England and "Wales," he would have been entitled if he himself had been rated and had paid such Rate or Rates: And whereas, when the Owner of any Tenement is rated to the Relief of the Poor by virtue of an Act passed in the Session of Parliament held in the Thirteenth and Fourteenth Years of Her present Majesty, intituled "An Act for "the better assessing and collecting the Poor Rates and Highway "Rates in respect of Small Tenements," instead of the Occupier thereof, and has paid all Money due on account of any Rate or Rates in respect of such Tenement, such Occupier is entitled to all Municipal Privileges and Franchises to which by virtue of the said recited Act of King William the Fourth he would have been entitled if he himself had been rated and had paid such Rate or Rates: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Where Owner is rated, Occupier to be entitled to the same Municipal Privileges under 5 & 6 W. 4. c. 76. as if he was rated instead of the Owner.

I. Where the Owner of any such House, Apartment, or Dwelling in the said first-recited Act mentioned shall be rated to the Relief of the Poor by virtue of Section Nineteen of the said first-recited Act, instead of the Occupier thereof, and such Owner shall have paid all Money due on account of any Rate or Rates in respect of such House, Apartment, or Dwelling, such Occupier shall be entitled to all Municipal Privileges and Franchises to which by virtue of the said Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of King William the Fourth, intituled "An Act "to provide for the Regulation of Municipal Corporations in "England and Wales," he would have been entitled if he himself had been rated and had paid such Rate or Rates; and if such Owner so rated as aforesaid shall not have paid such Rate or Rates, it shall be lawful for such Occupier to tender to the Overseers of the Poor or other Person authorized by Law to receive the same the Amount of any Rate or Rates then due from such Owner in respect of such House, Apartment, or Dwelling, and such Overseer or other Person so authorized as aforesaid shall be bound to receive the same, and such Occupier shall, on the Payment or Tender of such Amount, be entitled to exercise all such Privileges and Franchises as herein-before mentioned: Provided always, that any Occupier so paying any Rate or Rates in respect of any such House, Apartment, or Dwelling, where the Owner is rated to the same, shall be entitled to deduct and retain the Amount so paid by him from the next Payment of Rent to be made by him to such Owner, or to recover the

the same from such Owner as Money paid to and for the Use of such Owner.

II. So much of the said Act of the Fifty-ninth Year of His late Majesty King George the Third as remains unrepealed and this Act shall be read and construed together as One Act. Recited Act and this Act to be read as One.

III. This Act shall commence on the *Day of One thousand eight hundred and fifty-eight.* Commencement of Act.

Poor Law Amendment.

A

BILL

To amend the Act of the Fifty-ninth Year of King George the Third, Chapter Twelve, to amend the Laws for the Relief of the Poor.

(*Prepared and brought in by Mr. Cross and Mr. Collins.*)

Ordered, by The House of Commons, *to be Printed*, 20 *April* 1858.

[Bill 49.]

Under 1 *oz.*

29 *April* 1858. 21 Vict.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Act of the Fifty-ninth Year of King George the Third, Chapter Twelve, to amend the Laws for the Relief of the Poor.

WHEREAS by Section Nineteen of an Act passed in the Session holden in the Fifty-ninth Year of His late Majesty King George the Third, Chapter Twelve, intituled "An "Act to amend the Laws for the Relief of the Poor," the Inhabitants of any Parish in Vestry assembled are empowered to resolve and direct that the Owner or Owners of all Houses, Apartments, or Dwellings in such Parishes, being the immediate Lessor or Lessors of the actual Occupier or Occupiers, which shall respectively be let to the Occupiers thereof at any Rent or Rate not exceeding Twenty Pounds nor less than Six Pounds by the Year, for any less Term than One Year, or on any Agreement by which the Rent shall be reserved or made payable at any shorter Period than Three Months, shall be assessed to the Rates for the Relief of the Poor for or in respect of such Houses, Apartments, or Dwellings, and the Outhouses and Curtilages thereof, instead of the actual Occupiers: And whereas it is doubtful whether in such Case such Occupier is entitled to any Municipal Privileges and Franchises to which, by virtue of an Act Preamble.

passed

passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of King William the Fourth, intituled "An Act to pro- "vide for the Regulation of Municipal Corporations in England and "Wales," he would have been entitled if he himself had been rated and had paid such Rate or Rates: And whereas, when the Owner of any Tenement is rated to the Relief of the Poor by virtue of an Act passed in the Session of Parliament held in the Thirteenth and Fourteenth Years of Her present Majesty, intituled "An Act for "the better assessing and collecting the Poor Rates and Highway "Rates in respect of Small Tenements," instead of the Occupier thereof, and has paid all Money due on account of any Rate or Rates in respect of such Tenement, such Occupier is entitled to all Municipal Privileges and Franchises to which by virtue of the said recited Act of King William the Fourth he would have been entitled if he himself had been rated and had paid such Rate or Rates: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Where Owner is rated, Occupier to be entitled to the same Municipal Privileges under 5 & 6 W. 4. c. 76. as if he was rated instead of the Owner.

I. Where the Owner of any such House, Apartment, or Dwelling in the said first-recited Act mentioned shall be rated to the Relief of the Poor by virtue of Section Nineteen of the said first-recited Act, or in any Local Act, instead of the Occupier thereof, and such Owner shall have paid all Money due on account of any Rate or Rates in respect of such House, Apartment, or Dwelling, such Occupier shall be entitled to all Municipal Privileges and Franchises to which by virtue of the said Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of King William the Fourth, intituled "An "Act to provide for the Regulation of Municipal Corporations in "England and Wales," he would have been entitled if he himself had been rated and had paid such Rate or Rates; and if such Owner so rated as aforesaid shall not have paid such Rate or Rates, it shall be lawful for such Occupier to tender to the Overseers of the Poor or other Person authorized by Law to receive the same the Amount of any Rate or Rates then due from such Owner in respect of such House, Apartment, or Dwelling, and such Overseer or other Person so authorized as aforesaid shall be bound to receive the same, and such Occupier shall, on the Payment or Tender of such Amount, be entitled to exercise all such Privileges and Franchises as herein-before mentioned: Provided always, that any Occupier so paying any Rate or Rates in respect of any such House, Apartment, or Dwelling, where the Owner is rated to the same, shall be entitled to deduct and retain the Amount so paid by him from the next Payment of Rent to be made by him to such Owner, or to recover the

the same from such Owner as Money paid to and for the Use of such Owner.

Recited Act and this Act to be read as One.

II. So much of the said Act of the Fifty-ninth Year of His late Majesty King George the Third as remains unrepealed and this Act shall be read and construed together as One Act.

Commencement of Act.

III. This Act shall commence on the First Day of September One thousand eight hundred and fifty-eight.

Poor Law Amendment.

A

B I L L

[AS AMENDED IN COMMITTEE]

To amend the Act of the Fifty-ninth Year of King George the Third, Chapter Twelve, to amend the Laws for the Relief of the Poor.

(*Prepared and brought in by Mr. Cross and Mr. Collins.*)

Ordered, by The House of Commons, *to be Printed,* 29 *April* 1858.

[Bill 70.]

Under 1 *oz.*

45 *

LORDS AMENDMENTS

TO THE

MUNICIPAL FRANCHISE BILL.

Note.—*The Page and Line refer to the Bill* (107.) *as first printed by the Lords.*

Page 3, Line 2, at the End of Clause I. insert, "And upon such Payment being so made by such Occupier, and being by him so deducted or retained from his Rent, the Production by such Owner of the Receipt of such Occupier for the Amount so deducted shall be sufficient Proof of such Rate or Rates having been duly paid."

Leave out Clause III.

[Bill 187.]

LORDS AMENDMENTS

TO THE

MUNICIPAL FRANCHISE BILL.

[This Paper to be substituted for the Paper [Bill 187.] already delivered].

Ordered, by The House of Commons, *to be Printed*, 8 *July* 1858.

[Bill 187.] ←

Under 1 *oz.*

Poor Rates (Metropolis) Bill.

ARRANGEMENT OF CLAUSES.

Interpretation of Terms; Sect. 1.
Mode of citing Act; 2.

Appointment of Metropolitan Rating Sessions.

Election of Members of the Metropolitan Rating Sessions; 3.
Duration of Office; 4.
Continuance in Office in case of Omission to elect; 5.
First Meeting of Board, and Election of Chairman; 6.
Election of future Chairman; 7.
Resignation of Members; Vacancies to be supplied; 8.
In case of Vacancies, remaining Members to act; 9.
Quorum of Meetings of Sessions; 10.
Time and Place for Meetings of Sessions; 11.
Special Meetings of Sessions; 12.
Chairman to preside at Meetings; in case of Vacancy, temporary Chairman to be appointed; 13.

Functions of Sessions.

Sessions may appoint Officers; 14.
Sessions to prepare Basis or Standard for Poor Rates; 15.
Sessions may require Returns, and proceed in other respects as a Committee for preparing a Basis or Standard for assessing County Rates; 16.
Overseers of Poor to make annual Returns to Sessions; 17.
Penalty on Overseers or others refusing to attend or produce Documents; 18.
Sessions may cause new Valuations to be made; 19.
If Overseers, &c. neglect to make Returns, or make false Returns, the Expense of Valuation to be paid by their Parish; 20.
Costs of Valuations directed by Sessions; 21.
Sessions to prepare a Basis, and to estimate the net annual Value and the Expenditure of the several Parishes, &c.; 22.
When Basis, &c. made, Sessions to estimate the Excess or Deficiency paid by each Parish, &c.; 23.
Sessions to cause Basis and Estimates to be printed and distributed amongst the different Parishes, &c.; 24.
Notice of Time when Objections can be made to be sent to Overseers; 25.

Objections to be delivered to Clerk and Overseers, &c.; 26.
Sessions to meet to hear Objections; 27.
Basis, &c. to be deemed valid after Confirmation by Sessions; 28.
Sessions to send Precepts directly to Guardians of Unions for the Payment of Deficiency of Expenditure; Guardians to pay Sums mentioned in the Precepts; Party named in Precept to receive the same; 29.
If the Guardians fail to pay such Rates the Sessions may issue Warrants to the Overseers of the Parishes, &c. to pay the same; 30.
If the Overseers, &c. fail to pay the Sessions may levy the Rate by Distress and Sale; 31.
Sessions to pay Excess of Expenditure to Overseers; 32.
Monies received on behalf of any Party to be applied in aid of the Poor Rate; 33.
Sessions may make general Rules; 34.
Orders of Sessions to be final: 35.
Guardians may enter into Arrangements for Use of Workhouses by separate Classes of Paupers; 36.
Delivery of Precepts, &c. by Post, and Evidence thereof; 37.
Limitation of Actions; 38.
Penalty on Persons obstructing Overseers, &c.; 39.
Penalties, Forfeitures, Costs, and Charges may be levied by Distress and Sale of Offenders Goods; Committal; Application of Penalties; 40.
SCHEDULE.

A

BILL

TO

Provide a Remedy for the Inequality in the Rates for the Relief of the Poor in the Metropolis.

Preamble.

WHEREAS great Inequality exists between the Rates levied for the Relief and Maintenance of the Poor in the several Parishes and Places within the Metropolis, and it is expedient that Provision should be made for remedying the same: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Interpretation of Terms.

I. In the Construction of this Act the several Words and Expressions used therein shall have the Meaning which the same Words and Expressions are declared to have in the Act of the Fourth and Fifth Years of the Reign of His late Majesty King William the Fourth, Chapter Seventy-six, and in the several Acts directed to be construed therewith, unless such Meaning be repugnant to or inconsistent with the Context or Subject Matter in which such Words or Expressions occur; the Words "Overseers of the Poor," besides having the Meanings set forth in the said last-mentioned Act, shall also include any Persons authorized to make and collect or cause to be collected the Rate for the Relief of the Poor in any Parish or Place within the Metropolis, whether parochial or extra-parochial; the Words "full and fair annual Value" shall be taken to mean the net annual Value

of any Property as the same is or may be required by Law to be estimated for the Purpose of assessing the Rates for the Relief of the Poor; the Word "Metropolis" shall be deemed to include the City of London, and the Parishes and Places mentioned in the Schedules (A.), (B.), and (C.) to the Act of the Eighteenth and Nineteenth Years of the Reign of Her present Majesty, Chapter One hundred and twenty; and the Words "City of London" shall be deemed to include all Parts within the Jurisdiction of the Commissioners of Sewers for the City of London at the Time of the passing of the said last-named Act.

Mode of citing Act.

II. In citing this Act in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to use the Words "The Metropolitan Poor Rate Act."

Election of Members of the Metropolitan Rating Sessions.

III. At the First Quarter Sessions to be held after the *passing of this Act*, or at some Adjournment thereof, and at every future original or adjourned Quarter Sessions to be held in the Month of *October* in each Year subsequent to the Year *One thousand eight hundred and fifty-nine*, for the several Counties of Middlesex, Surrey, and Kent, and for the City of London, the Justices of the Peace there assembled shall appoint from the Justices of the Peace resident within the Metropolis the following Number of Justices of the Peace of the County or City for which such Sessions may be held, to be Members of a Sessions to be called "The Metropolitan Rating Sessions," that is to say, the County of Middlesex *Four*, the County of Surrey *Three*, the County of Kent *Two*, and the City of London *Two*.

Duration of Office.

IV. The Justices of the Peace so appointed Members of the said Sessions as aforesaid shall respectively continue to be Members thereof until the *Thirty-first Day of October One thousand eight hundred and sixty*, and until the *Thirty-first Day of October*, both Days inclusive, in each following Year, notwithstanding their Successors may have been appointed previously to that Day; and from and after the said *Thirty-first Day of October* every newly-appointed Member shall act as such Member for the ensuing Year.

Continuance in Office in case of Omission to elect.

V. In case all or either of the said several Quarter Sessions shall omit to appoint the aforesaid Number of Justices to be respectively Members of the said Rating Sessions, as herein-before mentioned, the Justices appointed for the previous Year shall continue to be Members of such last-named Sessions until the Time herein-before fixed for the next annual Appointment: Provided always, that if by reason of any partial Appointment or otherwise a Question arise as to which

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of any Two or more Justices is or are to be so continued Members of the said Sessions as aforesaid, such Question shall be decided by the Justices of the Peace acting at an original or adjourned Quarter Sessions for the County or City which shall so partially or entirely have omitted to appoint as aforesaid.

First Meeting of Board and Election of Chairman.

VI. The first appointed Members of the said Sessions shall meet at such Time and Place as One of Her Majesty's Principal Secretaries of State shall by Notice in the London Gazette appoint, and shall, by the Votes of the Majority of the Members present at such Meeting or at some Adjournment thereof, elect a Chairman of the said Sessions who shall continue in Office until the *Thirty-first Day of October One thousand eight hundred and sixty*, unless in the meantime he die, resign, or be removed by a Resolution agreed to by *Two Thirds* of the Members present at any Meeting specially convened for considering the Question of such Removal.

Election of future Chairman.

VII. The Members of the said Sessions shall, at their First Meeting in every Year after the *Thirty-first Day of October One thousand eight hundred and sixty*, in like Manner elect a Chairman for the Year ensuing, who shall have the like Powers, and whose Continuance in Office shall be subject to the same Incidents, as in the Case of the first elected Chairman: Upon every Vacancy in the Office of Chairman of the said Sessions a new Chairman shall be appointed, in manner aforesaid, at a Special Meeting of the Members thereof, but any Chairman or Member of the said Sessions going out of or resigning Office shall be capable of immediate Re-appointment.

Resignation of Members.

VIII. The Chairman of the said Sessions may accept the written Resignation of any Member thereof, and shall thereupon cause such Resignation to be notified to the Chairman or presiding Judge of the Quarter Sessions by which such Member was appointed a Member of the said Sessions; and at the next original or adjourned Quarter Sessions after the Receipt of such Notification, or after the Receipt of a similar Notification from the said Chairman, announcing a Vacancy in the said Sessions by reason of the Omission to appoint, or of the Death, Removal, Disqualification, or Refusal to act of any appointed Member thereof, the Justices acting at the Quarter Sessions to whose Chairman or presiding Judge such Notification is addressed shall make a new Appointment for the Completion of such Sessions.

Vacancies to be supplied.

In case of Vacancies remaining Members to act.

IX. In case the full Number of Members of the said Sessions shall not be appointed, or in case of any Vacancy therein by the Death, Removal, Resignation, or Refusal to act of any Member thereof, the other or remaining Members of the said Sessions, being

not less than *Five* in number, shall be competent to act, until the Completion of the said Sessions, as if the Number of Members of such Sessions were complete; and no Act or Proceeding of such Sessions shall be liable to be questioned on account of any Failure to elect any such Member or Members, or on account of any Vacancy as aforesaid.

Quorum of Meetings of Sessions.

X. All Powers and Duties vested in the said Sessions may be exercised and performed at any Meeting convened or appointed as herein-after mentioned at which not less than *Five* Members are present; and at every such Meeting all Questions shall be determined by the Majority of the Members present, and in case the Members present shall be equally divided in Opinion, then by the Decision of the Chairman; but such Sessions shall not be deemed to be constituted until a Chairman thereof has been elected as aforesaid.

Time and Place for Meetings of Sessions.

XI. The First Meeting of the said Sessions shall be holden at such Time and Place as the Chairman may appoint, of which Notice in Writing signed by him shall be given to each Member *Two* clear Days at the least before the Time appointed for such Meeting; but thereafter the said Sessions may be held at such Times and Places as the Members thereof may from Time to Time appoint.

Special Meetings of Sessions.

XII. A Special Meeting of the said Sessions may be convened either by the Chairman, or by the Clerk of the said Sessions by the Direction of the Chairman, or upon the written Requisition of any *Three* Members, by a Notice to the several Members, signed by the Party convening such Meeting.

Chairman to preside at Meetings. In case of Vacancy temporary Chairman to beappointed.

XIII. The Chairman of the said Sessions shall preside at every Meeting thereof at which he is present; but in case of a Vacancy in the Office of Chairman, or in his Absence, some other Member of the Sessions chosen by the Members then present shall preside thereat as Chairman.

Sessions may appoint Officers.

XIV. The said Sessions shall appoint or employ, and may, at their Pleasure, remove, a Clerk and Surveyor and such other Officers as they may deem necessary to carry into effect the Provisions of this Act, and may from Time to Time appoint another or others in the Place of any such Clerk, Surveyor, or other Officer so removed, and may pay to such Clerk, Surveyor, and Officers, out of the Funds to be received by the said Sessions by virtue of this Act, such Salaries, Wages, Gratuities, and Allowances, not exceeding in the whole the Sum of *Pounds* a Year, as the said Sessions may think fit: Provided always, that no such Clerk shall be removed excepting by a Resolution of the said Sessions at a Meeting specially convened for

for the Purpose, and carried by a Majority consisting of Two Thirds of the Members present at such Meeting.

Sessions to prepare Basis or Standard for Poor Rates.

XV. The said Sessions shall, in manner herein-after mentioned, prepare a Basis or Standard for fair and equal Poor Rates according to the full and fair annual Value of the Property liable to be rated to the Relief of the Poor in every Parish or Place, whether parochial or extra-parochial, within the Metropolis, and shall from Time to Time alter and amend such Basis or Standard as Circumstances may require.

Sessions may require Returns, and proceed in other respects as a Committee for preparing a Basis or Standard for assessing County Rates.

XVI. For the Purpose of preparing such Basis or Standard as aforesaid, the said Sessions may from Time to Time, as often as they may deem it necessary, by their Order in Writing, to be signed by the Clerk of the said Sessions, require the Overseers of the Poor, Constables, Assessors, Collectors, and any other Person whomsoever to make the like Returns, and to appear before them the said Sessions when and where and as often as the said Sessions may deem expedient, and to produce all Parochial and other Rates, Assessments, Valuations, Apportionments, and other Documents in their Custody or Power relating to the Value of or Assessment on all or any of the Property within the Metropolis liable to be rated to the Relief of the Poor of any Parish or Place within the same, and to be examined on Oath, and answer such Questions as the said Sessions may put to them respectively touching the said Rates, Assessments, Valuations, or Apportionments, or the Value of the Property aforesaid, and may proceed in all respects whatsoever as any Committee for preparing a Basis or Standard for assessing County Rates appointed under an Act of the Fifteenth and Sixteenth Years of the Reign of Her present Majesty, Chapter Eighty-one, may proceed; and the said Sessions are hereby authorized and empowered to administer such Oath, and to examine the Parties on Oath as aforesaid, and moreover may from Time to Time cause Copies of the total Amount assessed in each Parish, Township, or Place within the Metropolis in respect of Aids or Taxes payable to Her Majesty, Her Heirs or Successors, and the total Amount of the Valuation of the Property on which such Assessments were made in any Year then elapsed, to be made out by the Clerk to the Commissioners of each District within the same.

Overseers of Poor to make annual Returns to Sessions.

XVII. In addition to such Returns as aforesaid, the Overseers of the Poor of every Parish and Place within the Metropolis shall, on or before the *Tenth Day of May* in each Year, send or deliver to the Clerk of the said Sessions, in such Form as the said Sessions may from Time to Time require, the following Accounts and Returns, made up to the next preceding *Twenty-fifth Day of March*, relating

to the Parish or Place for which such Overseers are respectively appointed; that is to say,

The total gross estimated Rental and the total net annual Value of all the Property assessed to the Poor Rates within such Parish or Place in each Rate for the Relief of the Poor made during the Year commencing with the *Twenty-fifth Day of March* in the previous Year and ending on the said *Twenty-fifth Day of March* next before the sending or Delivery of the said Return:

The total Amount of Money received from each Rate for the Relief of the Poor made during the Year commencing and ending as last aforesaid:

The total Amount of Arrears legally excused, and of the irrecoverable Arrears in each of the aforesaid Rates, such Amounts to be kept separate:

The several Sums of Money received by the said Overseers during the said Year in aid of the Poor Rate, describing the various Sources from which such Money has been received:

The total Amount expended for the Relief and Maintenance of the Poor within such Parish or Place during the said Year, exclusive of Police and County Rates, and other Expenses legally chargeable on the Poor Rate, classified in such Manner and Form as the said Sessions may direct, and stating the Amount in the Pound which such Expenditure formed of the net annual Value of the rateable Property within such Parish or Place:

The several Sums of Money paid by the said Overseers during the said Year for Purposes other than those connected with the Relief and Maintenance of the Poor, describing the various Heads of Expenditure to which such Sums of Money have been respectively applied, in such Manner and Form as the said Sessions may direct, and stating the several Sums applicable to each Head of Expenditure.

Penalty on Overseers or others refusing to attend or produce Documents.

XVIII. Every Overseer of the Poor, Constable, Assessor, Collector, or other Person, so required to make Returns or to appear as aforesaid, who shall, without reasonable Excuse, neglect to make such Returns in Writing as aforesaid, or who shall wilfully make any false Return, and every Person who shall neglect or refuse to appear when required so to do as aforesaid, or to be sworn or examined, or to produce such Documents as herein-before provided for, shall forfeit such a Sum not exceeding *Twenty Pounds* as the said Sessions may order to be paid.

Sessions may cause

XIX. The said Sessions may from Time to Time, and so often as they may think fit, by their Order in Writing, to be signed by the Clerk

Clerk of the said Sessions, direct that the whole or any Part of any Parish or Place within the Metropolis shall be valued, and may appoint One or more Person or Persons to make such Valuation; and the Person or Persons so appointed may at all reasonable Times, and with or without Assistants, enter upon, view, examine, survey, and measure all and any Lands, Houses, or other Property within such Parish or Place liable to be rated to the Relief of the Poor thereof. new Valuations to be made.

XX. If any Overseers or other Persons neglect to make any such Return in Writing as aforesaid, or wilfully make any false Return or Statement of any of the Matters required to be returned or stated, as herein-before is mentioned, the said Sessions may order that the whole of the Expenses incurred in otherwise obtaining the required Information, or in ascertaining the Falsity of such Return or Statement, as the Case may be, shall be charged upon the Parish or Place in respect of which such Overseers or other Persons have been guilty of such Neglect or Misconduct as aforesaid, in addition to any Sum or Sums of Money to be paid by such Parish or Place as herein-after mentioned; and such Expenses shall be raised, levied, and collected by such and the like Ways and Means as such last-mentioned Sum can or may be raised, levied, and collected, and shall be paid therewith, in those Cases where the said Parish or Place is liable to pay the same, due Distinction being made between the Sum or Sums charged for any such Expenses and such Sum or Sums of Money so payable as last aforesaid. If Overseers &c. neglect to make Returns, or make false Returns, the Expense of Valuation to be paid by their Parish.

XXI. In any Case where the said Sessions have directed the whole or any Part of any Parish or Place to be valued as herein-before is mentioned, and where, in the Basis or Standard afterwards allowed by the said Sessions, such Parish or Place is rated in a Sum greater than the Sum set forth in the Returns made to such Sessions by the Overseers of the Poor or other Person required to make such Returns as aforesaid, upon the Allowance of such Basis or Standard the said Sessions shall order the said Overseers of the Poor or other Person as aforesaid to pay the Expenses incurred in making such Valuation; and such Expenses shall be raised, levied, and collected by such and the like Ways and Means as any other Sum or Sums of Money to be paid by such Parish or Place as herein-after mentioned can or may be raised, levied, and collected, and shall be paid therewith, if the said Parish or Place is liable to pay such last-mentioned Sum or Sums of Money, due Distinction being made between the Sum or Sums charged for any such Expenses and the Sum or Sums so payable as last aforesaid. Costs of Valuations directed by Sessions.

XXII. The said Sessions, as early as may be after the *Twenty-fifth Day of March* in every Year, shall, by such Ways and Means and Sessions to prepare a Basis, and

to estimate the net annual Value and the Expenditure of the several Parishes, &c.

in such Form as they may think fit, annually prepare the said Basis or Standard for fair and equal Poor Rates, and shall estimate the aggregate net annual Value of all Property liable to be rated to the Relief of the Poor in the several Parishes and Places within the Metropolis, and the total aggregate Amount expended in the Relief and Maintenance of the Poor by all of such Parishes and Places during the Year ending on the *Twenty-fifth Day of March* then last past, and shall also estimate the Proportion or average Rate in the Pound which the whole of the said Expenditure bears to such aggregate net annual Value: The said Sessions in every Year shall also separately estimate at the Time and in the Manner aforesaid the net annual Value of all Property liable to be rated to the Relief of the Poor in each of the said Parishes and Places, and the Amount expended in the Relief and Maintenance of the Poor therein during the preceding Year ending as aforesaid, deducting from such Amount all Sums of Money received from any other Source than the Poor Rates of such Parish or Place, and shall also estimate the Proportion or average Rate in the Pound which such last-mentioned Expenditure bears to the said net annual Value of all Property liable to be rated to the Relief of the Poor in such Parish or Place: The said Sessions shall also in every Year, and at the Time and in the Manner aforesaid, estimate the probable Expenses to be incurred in the Execution of this Act during the ensuing Year, and may include in the first of such Estimates an additional Sum for the Expenses attending the Execution of this Act from the Date of the passing thereof until the Time of making such First Estimate as aforesaid; and such Expenses so incurred in the Execution of this Act shall be divided amongst and borne by the several Parishes and Places within the Metropolis in proportion to the net annual Value of all the Property liable to be rated to the Relief of the Poor within the same, and shall be payable, on the Order of the said Sessions, by Precept issued to the Overseers of the Poor of such Parishes and Places respectively, or to the Guardians of the Union wherein they are respectively situated, in manner herein-after mentioned.

When Basis, &c. made, Sessions to estimate the Excess or Deficiency paid by each Parish, &c.

XXIII. When such Basis or Standard and Estimates shall have been respectively prepared as aforesaid, the said Sessions shall estimate therefrom the Amount which each Parish or Place within the Metropolis has expended for the Relief and Maintenance of the Poor during the preceding Year, either above or below the Amount which would have been raised in such Parish or Place by such average Pound Rate as herein-before is mentioned; and the said Sessions shall also estimate the Sum which such Parish or Place ought to have paid, after including therein or deducting therefrom, as the Case may require, such proportionate Part of the Expenses of executing this Act as herein-before is mentioned.

XXIV. When

Sessions to cause Basis and Estimates to be printed and distributed amongst the different Parishes, &c.

XXIV. When the said Sessions shall have prepared such Basis or Standard and Estimates as aforesaid, and the estimated Amount of the Excess or Deficiency of Expenditure of each Parish or Place within the Metropolis, as herein-before is mentioned, they shall cause the same to be printed in such Form as they may think proper, and shall forthwith cause to be sent by the General Post or otherwise One Copy of the same to the several Overseers of the Poor and other Persons charged with the making of Poor Rates in every Parish or Place within the same; and such Overseers of the Poor and other Persons shall, when practicable, within *Ten* Days after the Receipt of such Copy, call a Vestry or other Meeting of such Parish or Place, and shall submit the said Copy to such Meeting; and any Person rated to the Relief of the Poor in such Parish or Place may at all reasonable Times inspect and examine the said Copy whilst the same remains in the Custody of any such Overseer or other Person, and may take Extracts or Copies therefrom without the Payment of any Fee for the same.

Notice of Time when Objections can be made to be sent to Overseers.

XXV. Together with the Copy of such proposed Basis or Standard and Estimates, and of such estimated Amount of the Excess or Deficiency of Expenditure as aforesaid, there shall also be sent by the Clerk of said Sessions to the Overseers of the Poor and other Persons as aforesaid a Notification of a reasonable Time, not less than *Fourteen* Days after the Date of such Notice, within which any Objection to the proposed Basis or Standard and Estimates, and estimated Amount of Excess or Deficiency of Expenditure, as aforesaid, may be forwarded to the said Clerk by such Overseers or other Persons as aforesaid, or by any Person affected by such Basis or Standard or Estimates or estimated Amount of Excess or Deficiency of Expenditure respectively.

Objection to be delivered to Clerk and Overseers, &c.

XXVI. It shall be lawful for the Overseers of the Poor or other Persons as aforesaid to object, by Notice in Writing to be sent to the Clerk of the said Sessions and to the Overseers of the Poor or other Persons charged with making the Poor Rate in any Parish or Place to which such Notice refers, to object to the Amount at which the Property in any Parish or Place has been valued, or to the Amount expended for the Relief or Maintenance of the Poor in any such Parish or Place, or that the same has been illegal, extravagant, or excessive, or to any other Matter affecting the proposed Basis or Standard, and the estimated Amount of Excess or Deficiency of Expenditure as aforesaid.

Sessions to meet to hear Objections.

XXVII. The said Sessions shall fix and cause due Notice to be given of a Time and Place when and where such Objections will

be taken into consideration by the said Sessions, and for hearing the Parties making such Objections; and a Meeting of the said Sessions shall be held accordingly, where all Objections to such Basis or Standard and Estimates, and estimated Amount of Excess or Deficiency of Expenditure, as aforesaid, shall be taken into consideration, and the said Sessions shall alter and amend the same as to them may seem proper, and, if they think fit, they may allow and confirm the said Basis or Standard and Estimates, and estimated Amount of Excess or Deficiency of Expenditure, as aforesaid, or, instead of altering or of allowing and confirming the same, they may adjourn the Consideration thereof to some future Meeting to be then named and appointed; and in such last-mentioned Case the said Sessions shall have all the same Powers and Authorities for the Purpose of allowing, confirming, revising, and amending the said Basis or Standard and Estimates, or estimated Amount of Excess or Deficiency of Expenditure, as are herein-before given to them for preparing the same; and all the Clauses and Provisions herein-before contained, and all the aforesaid Duties, Penalties, and Forfeitures to which any Overseer of the Poor, Constable, Assessor, Collector, or other Person may be liable, with reference to the Preparation of any Basis or Standard or Estimates, or estimated Amount of Excess or Deficiency of Expenditure, as aforesaid, shall be applicable in every respect to the Revision or Amendment of the same.

Basis, &c. to be deemed valid after Confirmation by Sessions.

XXVIII. When the said Sessions shall have so allowed and confirmed any Basis or Standard or Estimates, or estimated Amount of Excess or Deficiency of Expenditure, as aforesaid, the same shall be taken to be made and established, and shall be valid, legal, and effectual, to all Intents and Purposes, notwithstanding any Irregularity may have arisen in the making thereof, and notwithstanding the Officers of any Parish or Place may have omitted to make the Returns herein-before mentioned; and the said Sessions shall cause Copies of the said Basis or Standard and Estimates, and estimated Amount of Excess or Deficiency of Expenditure, as aforesaid, after Allowance and Confirmation, to be printed, and shall direct One of such Copies to be sent to the Overseers of the Poor of every Parish and Place within the Metropolis, and such Basis or Standard and Estimates, and estimated Amount of Excess or Deficiency of Expenditure, as aforesaid, when so allowed and confirmed, shall be deemed and taken to be the Basis or Standard, and the Proportion in which all Assessments of the Poor Rate shall thenceforth be made, and all Expenses connected with the Relief and Maintenance of the Poor within the Metropolis shall thenceforth be borne, and shall continue to be in force and to be acted upon until a new Basis or Standard and Estimates, and estimated Amount of Excess

or

or Deficiency of Expenditure, as aforesaid, shall have been made and established under this Act.

Sessions to send Precepts directly to Guardians of Unions for the Payment of Deficiency of Expenditure.

XXIX. When the said Sessions shall have finally allowed and confirmed the estimated Amount of Excess or Deficiency of Expenditure as aforesaid, a printed List of the Parishes and Places in which such Excess or Deficiency of Expenditure has occurred, and of the Amount in which each Parish or Place is in excess or deficiency, shall be sent to the Overseers of the Poor of every Parish and Place within the Metropolis, and the said Sessions shall thereupon order Precepts in the Form shown in the Schedule annexed to this Act, or as near thereto as may be, to be issued to the Guardians of every Union of Parishes, whether wholly or only partly within the Metropolis, and within the Limits of which any Parish or Place wherein there has been a Deficiency of Expenditure is situate, stating the Sum or Sums charged on each of such Parishes and Places, on account of such Deficiency of Expenditure, and of the due Proportion of Expenses incurred in the Execution of this Act, payable by each of them as aforesaid, and to the Guardians of every single Parish situate within the Metropolis, and to the Overseers of the Poor of every Parish or Place for which no Guardians shall have been appointed, stating the Sum or Sums charged on such Parish or Place on account of such Deficiency of Expenditure and of such due Proportion of Expenditure as aforesaid, and requiring the Guardians of such Union or Parish, or the Overseers of the Poor of such Parish or Place respectively, within such Time as may be limited in such Precepts, to cause the aggregate of the said several Sums so stated to be paid by them out of the Monies held by them on behalf of each such Parish or Place to such Person or Persons as is or are named in such Precepts respectively, and may cause such Precepts to be sent by Post or otherwise to such Guardians or Overseers of the Poor as aforesaid; and such Precepts shall have Force in every such Union, Parish, or Place, so far as concerns such Parishes or Places as are within the Limits of the Metropolis, notwithstanding that the Place of Meeting of such Guardians may not be situated within such Limits, and without being endorsed with the Signature of any Justice of the Peace having ordinary Jurisdiction in the Place of Meeting of the Guardians; and such Guardians or Overseers of the Poor shall raise the Monies required by such Precepts to be paid in like Manner as the Money required by such Guardians or Overseers of the Poor for the Relief of the Poor, and shall pay such Monies at the Time limited and in the Manner prescribed by such Precepts; and if the Treasurer of such Guardians or such Overseers of the Poor, or any Person on his or their Behalf, tender to the Person or Persons named in such Precepts respectively the aggregate of the said several Sums, or if he

Guardians to pay Sums mentioned in the Precepts.

Party named in Precept to receive the same.

or they so tender the whole Sum charged in any such Precept on any such Parish or Place, together with a Copy of such Precept, in which are specified the Parish or Parishes and Places and the Sum or Sums in respect of which the same is so tendered, the Person or Persons named in such Precepts shall receive the Sum so tendered, notwithstanding that the Sums required to be paid on behalf of other of such Parishes or Places be not then tendered, and shall give a Receipt for the Sum or Sums received by him or them accordingly, but he or they shall not receive any Sum on behalf of any such Parish or Place less than the whole of the Sum assessed and charged thereon in One such Precept as aforesaid, and the Receipt of the Person or Persons named in such Precept shall be a good Discharge for the Payment of the Sums specified therein.

If the Guardians fail to pay such Rates, the Sessions may issue Warrants to the Overseers of the Parishes, &c. to pay the same.

XXX. In case the said Guardians do not pay within the Time limited in such Precept the Sum or Sums of Money therein required to be paid on behalf of any such Parish or Place, the said Sessions may cause to be issued, and sent by Post or otherwise to the Overseers of the Poor of such Parish or Place, Warrants to collect, and pay to the Person or Persons named in such Precept, within a Time to be named and limited in such Warrants, the Sum or Sums charged on such Parish or Place respectively, together with an Addition to such Sum or Sums in the Proportion of *One Shilling* to every Ten Shillings; and such additional Sum shall be applied and disposed of in aid of the Expenses incurred in the Execution of this Act; and such Overseers of the Poor may reimburse themselves as well for such additional Sums as for the Amount originally charged on such Parish or Place out of the Poor Rate of such Parish or Place, but shall not receive or take from the said Poor Rate or any other Rate any Allowance or Compensation for their Trouble or Expenses incurred in collecting, levying, or paying the Sums mentioned in such Warrants.

If the Overseers, &c. fail to pay, the Sessions may levy the Rate by Distress and Sale.

XXXI. If any such Overseer refuse, make default, or neglect to pay to the Person or Persons named in the said Precepts respectively, and within the Time limited as aforesaid, the Sum or Sums of Money specified in any such Warrant, and if the Clerk of the said Sessions make Complaint thereof, then any Justice of the Peace of the County or Place wherein such Overseer resides may by Warrant under his Hand levy the same by Distress and Sale of the Goods of the Offender, and in default of Distress may commit such Overseer to the Common Gaol or House of Correction of the said County or Place, in manner provided by the Twenty-first Section of an Act of the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Forty-three; and the said Sessions may pay to any Person who may have been employed in making such Complaint, or in obtaining, drawing, or executing such Warrant,

Warrant, such reasonable Compensation out of the Money realized by Sale of the Offender's Goods, or in default of any such Money then out of the Monies coming to their Hands under this Act, as to the said Sessions may seem fit.

Sessions to pay Excess of Expenditure to Overseers.

XXXII. In any Case where it shall have been ascertained by the said Sessions, in manner herein-before mentioned, that there has been an Excess of Expenditure in any Parish or Place, according to the said Estimate of Excess or Deficiency of Expenditure duly allowed and confirmed as aforesaid, it shall be lawful for the said Sessions, out of the Funds which may from Time to Time come to their Hands by virtue of this Act, and in such Manner as they may think fit, to pay to the Overseers of every Parish or Place in which such Excess of Expenditure has been found to exist the Amount of such Excess of Expenditure, deducting therefrom the Amount of the due Proportion of the Expenses incurred in the Execution of this Act payable by such Parish or Place, as herein-before is mentioned.

Monies received on behalf of any Parish to be applied in aid of the Poor Rate.

XXXIII. All Monies received by any Person on behalf of any Parish or Place under an Order of the said Sessions shall be accounted for and applied to the Reduction of Rates which would otherwise become leviable on such Parish or Place for the Relief of the Poor therein, and such Monies shall, for the Purpose of securing the due Application thereof, and of compelling any Person to account for the same, and of imposing any Penalty, Forfeiture, or Punishment on any Person for not duly applying or accounting for the same, be deemed and taken to have been Monies received by such Person in respect of the Poor Rate of the Parish or Place for whose Use such Monies were ordered to be applied by the said Sessions.

Sessions may make General Rules.

XXXIV. It shall be lawful for the said Sessions from Time to Time to make any General Rules, and to alter the same, for the Purpose of regulating the Mode of convening, holding, and adjourning their Meetings, the Delivery, Examination, and Form of Accounts, the Service and Forms of Notices, the Examination of Parties, the Conduct of Appeals, the Computation of the average Rate, the Receipt and Payment of Monies in respect thereof, and the Form of Orders, and the Duties of the Clerk and Officers of the said Sessions under this Act; and all such Rules and Alterations thereof, shall, when approved of by One of Her Majesty's Principal Secretaries of State, be observed in the Execution of this Act.

Orders of Sessions to be final.

XXXV. The Orders of the said Sessions on all Questions to be determined by them under this Act shall not be liable to any Appeal, but shall be final; and the same shall not be deemed invalid for any Defect in Form, nor be removed by Writ of Certiorari or other Proceedings

ceedings into any of Her Majesty's Courts at Westminster, but it shall be lawful for the said Sessions to vary or amend any Order, and to state and submit a Special Case for the Decison of any of Her Majesty's Courts at Westminster, on any Question which may arise before the said Sessions: Provided alawys, that the said Sessions shall in the meantime pending the Decision thereof be at liberty to order such Sums as they may think just to be raised and paid, pursuant to the Provisions of this Act, as if no such Case had been stated; and if it shall appear on the Decision of such Case that any Error has been committed in such Orders, the same shall not be invalidated thereby, but the Amount involved in such Error shall be duly accounted for in determining the Excess or Deficiency of Expenditure in any Parish or Place to which such Orders respectively relate, and the Sums to be paid and received in respect of each of these Parishes or Places in a subsequent Year.

Guardians may enter into Arrangements for Use of Workhouses by separate Classes of Paupers.

XXXVI. It shall be lawful for the Vestry, managing Body, or Guardians of any Parish or Place not in Union, and for the Guardians of any Union for the Relief of the Poor within the Metropolis, to enter into any Arrangement with each other for the Purpose of using in common for the Occupation of the Poor any Houses or Workhouses belonging to them respectively, and to appropriate each such House or Workhouse for the Reception of a separate Class of Paupers, according to such Rules and Regulations as such Vestries, Managing Bodies, and Guardians may, with the Approbation of the Poor Law Board, think fit to adopt; and any Pauper may from Time to Time be removed from any one to any other of such Houses or Workhouses, as may be deemed requisite to carry into effect such Rules and Regulations.

Delivery of Precepts, &c. by Post, and Evidence thereof.

XXXVII. Whenever Precepts or Warrants, as provided by this Act, are to be sent by Post, the Clerk of the said Sessions shall send every such Precept or Warrant by Post as a registered Letter, according to the Regulations of the Postmaster General in force for the Time being in that Behalf; and every Precept or Warrant delivered or tendered as a registered Letter at the Address of the Person to whom it is addressed, whether a Receipt be given for the same or not, shall be deemed to have been served on the Person to whom the same was so delivered or tendered, and if delivered or tendered to the Clerk or other like Officer acting for any Guardians shall be deemed to have been served on the whole of such Guardians, and if delivered or tendered to any one Overseer of any Parish or Parish shall be deemed to have been served on the whole of the Overseers of such Parish or Place.

Limitation of Actions.

XXXVIII. No Action or Suit shall be brought, commenced, or prosecuted against any Person or Persons for anything done or to be done

done by virtue of or in pursuance of this Act after *Three* Calendar Months next after the Fact committed; and every such Action shall be brought and laid in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit, at his, her, or their Election, may plead this Act specially, or may plead the General Issue, and may give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance or by the Authority of this Act.

Penalty on Persons obstructing Overseers, &c.

XXXIX. Every Person who in any Manner resists or wilfully obstructs any Overseer, Surveyor, or other Person in the Execution of his Duty under this Act shall forfeit and pay any Sum not exceeding *Five Pounds*, to be prosecuted and recovered before any Two or more of Her Majesty's Justices of the Peace for the County wherein the Offence is committed.

Penalties and Forfeitures, Costs and Charges may be levied by Distress and Sale of Offender's Goods.

XL. All Penalties and Forfeitures by this Act authorized to be imposed for any Offence against the same, the Recovery whereof is not herein-before otherwise provided for, shall, upon Conviction of the Offender before any Two Justices of the Peace of the County or Place wherein such Offender may be or reside, either by the Confession of the Party offending or by the Oath of any credible Witness or Witnesses (which Oath such Justices are hereby authorized to administer), be levied, together with the Costs attending the Information, Summons, and Conviction, by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hands of the Justices before whom the Party may have been convicted, or on Proof of such Conviction by a Warrant under the Hands of any Two Justices (which Warrant such Justices are hereby empowered and required to grant); and the Overplus (if any), after such Penalties and Forfeitures, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner of such Goods and Chattels; and if upon the Return of such Warrant it appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such Justices as aforesaid, by Warrant under their Hands, to cause such Offender to be committed to the Common Gaol or House of Correction of the County or Place where the Offender may be or reside, there to remain, without Bail or Mainprise, for any Term not exceeding *Three* Calendar Months, unless such Penalties and Forfeitures, and all Costs and Charges of the said Distress, and of the Commitment and Conveyance of the said Offender to the said Common Gaol or House of Correction, be sooner paid and satisfied; and the said Penalties and Forfeitures, when recovered, shall be paid to the said Sessions, to be by them applied in aid of the Expenses incurred in the Execution of this Act.

Committal.

Application of Penalties.

SCHEDULE to which this Act refers.

Form of Precept.

Metropolitan Rating Sessions.

To the Guardians of the Union.

These are to require you, the Guardians of the Union, from and out of the Monies paid into the Hands of the Treasurer of your Union for the Uses and Purposes of the said Union, to pay or cause to be paid, on or before the Day of , into the Hands of *A.B.* of appointed to receive the same, the Sum of , being the Amount of the several and respective Sums of Money hereunder set down and expressed opposite to and against the Names of the several Parishes, Townships, and Places comprised within your said Union, the said several Sums being respectively charged and assessed thereon as the Proportion of the several Parishes, Townships, or Places towards the Relief and Maintenance of the Poor within the Metropolitan Poor Rate District, according to the estimated Expenditure allowed and confirmed by the Metropolitan Rating Sessions on the Day of One thousand eight hundred and fifty-eight.

[*Signature of the Clerk of the Metropolitan Rating Sessions.*]

Names of Parishes.	Amount payable by each Parish, &c.

Poor Rates (Metropolis.)

A

BILL

To provide a Remedy for the Inequality in the Rates for the Relief of the Poor in the Metropolis.

(*Prepared and brought in by Mr. Ayrton and Mr. John Locke.*)

Ordered, by The House of Commons, *to be Printed*, 23 *March* 1858.

[Bill 36.]

Under 3 *oz.*

17 *May* 1858. 21 Vict.

A

B I L L

TO

Amend the Law relating to the Removal of Poor Persons to Scotland and Ireland.

WHEREAS it is expedient that better Means should be provided for the safe Conveyance to the Place of their Destination in Scotland or Ireland of poor Persons who may be removed in pursuance of the Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter One hundred and seventeen: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,— Preamble.

I. That no Application by any Guardian or other Person for a Warrant ordering the Removal from any Place in England to Scotland or Ireland of any poor Person who shall have become chargeable in such Place shall be heard and determined except by Two or more Justices in Petty Sessions assembled, or by a Stipendiary Magistrate, or by a Metropolitan Police Magistrate sitting in his Court. Warrant of Removal to be signed in Petty Sessions, or by a Police Magistrate, or in Scotland by a Sheriff.

II. Such Warrants of Removal shall be granted only on the Application of the Relieving Officer or Guardian of the Union or Parish Warrant to contain Name and Age of every

Person to be removed.

Parish in England, or in Scotland of an Inspector of the Poor of the Parish or Combination where such poor Person shall become chargeable, and shall contain the Name and reputed Age of every Person and Child to be removed by virtue of the same; and such Warrant shall be addressed to the Party applying for the same, and to the Guardians of the Union, Combination, or Parish to which such poor Person is to be removed, and a Copy shall be given to the Party applying for such Warrant, to the Person about to be removed by virtue of it, at the Cost of the Person applying for the same.

Copy of the Warrant to be sent to Inspector or Guardians of Place to which the Removal is to be made.

III. Such poor Person shall not be removed until a Copy of the Warrant, together with a Copy of the Depositions taken in the Case, shall have been sent by Post to the Inspector of the Poor or Guardian of the Parish or Combination in Scotland, or to the Clerk of the Board of Guardians of the Union in Ireland, to which such poor Person shall be ordered to be removed.

Warrant shall order poor Persons to be conveyed to the Place of Birth, or of Five Years Residence.

IV. Such Warrants shall order the Removal of such poor Person to be made to the Place where he shall state to the Magistrate signing the same that he was born, or where he shall upon Oath declare that he last resided continuously for a Period of *Five* Years; and if such poor Person shall make no such Statement or Declaration on Oath, the Warrant shall order his Removal to the nearest Port or Place in Scotland or Ireland, as the Case may be, according to the Provisions of the Act of the Eighth and Ninth Victoria, Chapter One hundred and seventeen: Such Warrants shall order the Persons charged with the Execution thereof to convey safely such poor Person, with his Family (if any), to the Place or Parish in Scotland or Ireland mentioned in such Warrant, and to deliver him to the Inspector of the Poor in the Parish or Combination in Scotland, or at the Workhouse of the Union in Ireland, in which his Place of Birth or industrial Residence shall be stated in such Warrant to be situated: Provided, that if any Person shall have been appointed under the Hand and Seal of the Poor Law Board in England, or of the Board of Supervision in Scotland, at any of the Ports named in the Schedule annexed to the said Act of the Eighth and Ninth Victoria, Chapter One hundred and seventeen, for the Purpose of facilitating the Conveyance of such poor Persons to the Place of their Destination, the Officer or other Person who shall accompany the said poor Persons, by virtue of the Order of Removal, may agree with such Person so appointed to take charge of the said poor Persons from the Port where they may be landed to the Place of their Destination; and in such Case the Execution of the Order of Removal by such Person shall be deemed to be an Execution of the same by the Person actually charged therewith in the Warrant.

If Person appointed by Poor Law Board at the Ports shall take charge of such poor Persons, their Delivery at the Place of Destination to be a Discharge of the Warrant.

V. No

V. No Person who shall become chargeable in any Place in Scotland shall be removed on his own Consent under the Provisions of the Seventy-seventh Section of the Act passed in the Eighth and Ninth Years of the Reign of the Queen, Chapter Eighty-three, unless such Consent shall have been given in the Presence of the Sheriff or of a Justice of the Peace. Consent of poor Person to such Removal to be signified before a Magistrate.

VI. Any Person having Charge of such poor Person by virtue of such Warrants, who shall wilfully desert him or any One of his Family before he or they shall have been safely conveyed to the Place of his Destination, shall be guilty of a Misdemeanor, and upon Conviction thereof shall be liable to a Fine not exceeding *Twenty Pounds*, and in default of Payment to Imprisonment for a Term not exceeding *Three* Months. Wilful Desertion of such poor Person to be a Misdemeanor.

VII. If by reason of Default or wilful Desertion on the Part of the Guardians or other Persons having Charge of such Warrant Expenses shall be incurred by any Parochial Board in Scotland, or by any Union in Ireland, such Parties shall be liable to be sued by Action in any County Court in England, or Sheriff's Court in Scotland, having Jurisdiction in the Place from whence the Removal shall be made. Parties committing such wilful Desertion to be liable for Expenses caused thereby.

VIII. Section the Sixth of the Act of the Eighth and Ninth Victoria, Chapter One hundred and seventeen, is hereby repealed. Appeal under Section 6. of Act 8 & 9 Vict. c. 117. repealed.

IX. Except so far as this Act shall alter the Provisions of the said Act, this Act shall be construed as a Part of the same. Acts to be construed together.

Poor Removal Law Amendment.

A

B I L L

To amend the Law relating to the Removal of Poor Persons to Scotland and Ireland.

(*Prepared and brought in by Mr. Sotheron Estcourt and Mr. Knight*).

Ordered, by The House of Commons, *to be Printed*, 17 May 1858.

[Bill 91.]

Under 1*oz.*

A

B I L L

TO

Remove Doubts as to the Operation of a Convention between Her Majesty and the Emperor of the French relative to Portendic and Albreda.

WHEREAS a Convention was, on the Seventh Day of March One thousand eight hundred and fifty-seven, concluded between Her Majesty and His Majesty the Emperor of the French, of which the Ratifications were exchanged on the Twenty-seventh Day of the same Month, whereby it was agreed as follows:— Preamble.

'Article I.—Her Majesty the Queen of the United Kingdom 'of Great Britain and Ireland relinquishes the Right hitherto 'enjoyed, under Treaty, by the Subjects of Her Britannic Ma- 'jesty, of trading from the Mouth of the River St. John to the 'Bay and Fort of Portendic inclusively.

'Article II.—His Majesty the Emperor of the French cedes 'to Her Britannic Majesty the French Factory or Comptoir at 'Albreda, on the North Bank of the River Gambia, on the 'Western Coast of Africa, together with all possessory or other 'Rights whatever appertaining to the said Factory.

'Article III.—Her Britannic Majesty consents that French 'Subjects shall have free Access to the River Gambia for the

'Purposes of their Commerce. They shall be allowed to reside 'at the Town of Bathurst, and at such other Trading Station 'or Stations as may hereafter be appointed by Her Britannic 'Majesty in Council, but not elsewhere; except so far as regards 'Albreda, where such French Subjects as are now resident, and 'may wish to remain, are authorized so to do by Article IV. of 'the present Convention, conforming themselves, however, to 'the Laws and local Regulations which are or may be in force 'in the British Settlements in the Gambia. French Vessels in 'the River Gambia shall be subject to the same Duties, Tolls, 'and Regulations as British Vessels; and every Article im- 'ported or exported in French Vessels shall pay the same Duty 'as is or may be imposed upon the like Article when imported 'or exported in British Vessels. The French Government shall 'be allowed to maintain a Consular Agent at Bathurst; it being 'clearly understood that such Consular Agent must first be 'approved and admitted in the usual Manner by the Govern- 'ment of Her Britannic Majesty.

'Article IV.—French Subjects already settled at Albreda, 'and who may wish to remain there after the Cession to Her 'Britannic Majesty of the French Factory or Comptoir, shall 'preserve their Property, and the Rights attached thereto, and 'shall be protected and treated in all respects in the same 'Manner as all other French Subjects in the Possessions of Her 'Britannic Majesty.'

And whereas Doubts are entertained whether certain of the Provisions of the said Convention are consistent with certain Provisions concerning the Coasting Trade of the British Possessions contained in an Act of the Session holden in the Sixteenth and Seventeenth Years of Her Majesty, Chapter One hundred and seven, "to "amend and consolidate the Laws relating to the Customs of the "United Kingdom and of the Isle of Man, and certain Laws relating "to Trade and Navigation, and the British Possessions:" Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same; as follows:

16 & 17 Vict. c. 107.

Convention confirmed.

I. The above-recited Convention is hereby confirmed, and shall be deemed to have full Force and Operation, anything in the said recited Act or in any other Act of Parliament notwithstanding.

Portendic and Albreda Convention.

A

BILL

To remove Doubts as to the Operation of a Convention between Her Majesty and the Emperor of the French relative to Portendic and Albreda.

(*Prepared and brought in by Sir Bulwer Lytton and Mr. Seymour Fitzgerald.*)

Ordered, by The House of Commons, *to be Printed,* 18 *June* 1858.

[Bill 148.]

Under 1 *oz.*

(Ireland.)

A

BILL

FOR

Abolishing the Tolls now levied on the Bridge over the Shannon at Portumna in Ireland.

WHEREAS by an Act passed in the Session of Parliament in the Fourth and Fifth Years of the Reign of His late Majesty King William the Fourth, Chapter Sixty-one, it was enacted, amongst other things, that the then existing Bridge of Portumna, and all Tolls, Revenues, and Profits of the same, should be vested in the Commissioners of Public Works in Ireland, and that a new Bridge should be built as therein provided; and it was thereby enacted, that it should be lawful for the said Commissioners to take and receive certain Tolls for the passing over the said Bridge as therein set forth, and that the said Tolls should be applied in the first instance towards the Expense of repairing and maintaining the said Bridge, and in the next place towards the Repayment of any Public Monies theretofore advanced under any Acts for the Advance of Monies in aid of Public Works in Ireland, as therein referred to, and that the Surplus (if any) thereof should be applied in such Manner as the Commissioners for executing the Office of Lord High Treasurer should direct: And whereas previously to the passing of the said Act, and in the Year One thousand eight hundred and eighteen, there had been advanced out of the Public Monies for the Purpose of completing the then existing Bridge at Portumna a Sum

Preamble. 4 & 5 W. 4. c. 61.

Sum of Two thousand seven hundred and sixty-nine Pounds Four Shillings and Eightpence, the whole of which at the Time of the passing of the said Act was due and owing to the said Commissioners of Public Works in Ireland: And whereas since the passing of the said Act the said Commissioners have received a Sum of One thousand three hundred and twenty-four Pounds Ten Shillings and Elevenpence only out of the Tolls payable in respect of the said Bridge, leaving a Balance of One thousand four hundred and forty-four Pounds Thirteen Shillings and Ninepence still due on foot of the said Sum of Two thousand seven hundred and sixty-nine Pounds Four Shillings and Eightpence on the Thirty-first December One thousand eight hundred and fifty-seven: And whereas it would be of great Advantage to the Public that such Tolls should be abolished: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Repeal of certain Clauses in Act of 4 & 5 W. 4. c. 61.

I. From and after the *Day of One thousand eight hundred and fifty-eight*, the Sections of the said Act of the Fourth and Fifth William Fourth, Chapter Sixty-one, set forth in the Schedule to this Act annexed, shall be and the same are hereby repealed, save as to any Matters or Things heretofore done or which have heretofore taken place under the Authority thereof.

Tolls of Bridge to cease.

II. From and after the said *Day of* all Tolls, Revenues, Rights, Emoluments, Income, and Benefits arising out of the said Bridge, and vested by the said Act in the said Commissioners of Public Works, shall cease, determine, and become void.

The Bridge and Approaches vested in the Counties of Galway and Tipperary.

III. The Property in the said Bridge at Portumna, with the Approaches thereto, shall be deemed and taken to be the public Property of the County of Galway and of the County of Tipperary respectively, and (save as herein-after provided) shall henceforth be maintained and preserved at the Expense of the County of Galway and County of Tipperary, in equal Shares and Proportions; and the Grand Juries of the said Counties respectively shall and they are hereby required from Time to Time to make Presentment accordingly for such Repairs and Maintenance, without any Application to Presentment Sessions for that Purpose: Provided always, that the Part of the said Bridge forming the Drawbridge or Swivel Bridge shall, for the Purposes of Navigation, be maintained by the said Commissioners of Public Works out of the Tolls of the Shannon Navigation, and be under the Control and Conservancy of the said Commis-

Commissioners, to be made use of by them in like Manner as the other Swivel or Draw Bridges over the said River Shannon.

IV. From and after the *passing of this Act*, all Enactments, Clauses, and Provisions in any Act or Acts of Parliament relating to the rebuilding, repairing, or maintaining or keeping in repair any Bridges in Ireland, whether made wholly or in part at the Public Expense or otherwise, or over Rivers forming the Boundaries between Two Counties or otherwise, shall be deemed and taken to apply to the said Bridge at Portumna, so far as the Facts and Circumstances shall admit.

Provisions of other Acts for rebuilding or repairing applicable.
6 G. 4. c. 101.
4 & 5 W. 4. c. 61.
6 & 7 W. 4. c. 116.

SCHEDULE referred to in the foregoing Act,

Showing the Clauses of the Act Fourth and Fifth William Fourth, Chapter Sixty-one, repealed by this Act.

Section	16
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Portumna Bridge (Ireland).

A

BILL

For abolishing the Tolls now levied on the Bridge over the Shannon at Portumna in Ireland.

(Prepared and brought in by Mr. Wilson and Mr. Brand.)

Ordered, by The House of Commons, *to be Printed,* 10 *February* 1858.

[Bill 14.]

Under 1 *oz.*

(Ireland.)

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

FOR

Abolishing the Tolls now levied on the Bridge over the Shannon at Portumna in Ireland.

WHEREAS by an Act passed in the Session of Parliament in the Fourth and Fifth Years of the Reign of His late Majesty King William the Fourth, Chapter Sixty-one, it was enacted, amongst other things, that the then existing Bridge of Portumna, and all Tolls, Revenues, and Profits of the same, should be vested in the Commissioners of Public Works in Ireland, and that a new Bridge should be built as therein provided; and it was thereby enacted, that it should be lawful for the said Commissioners to take and receive certain Tolls for the passing over the said Bridge as therein set forth, and that the said Tolls should be applied in the first instance towards the Expense of repairing and maintaining the said Bridge, and in the next place towards the Repayment of any Public Monies theretofore advanced under any Acts for the Advance of Monies in aid of Public Works in Ireland, as therein referred to, and that the Surplus (if any) thereof should be applied in such Manner as the Commissioners for executing the Office of Lord High Treasurer should direct: And whereas previously to the passing of the said Act, and in the Year One thousand eight hundred and eighteen, there had been advanced out of the Public Monies for the Purpose of completing the then existing Bridge at Portumna a

Preamble. 4 & 5 W. 4. c. 61.

Sum

Sum of Two thousand seven hundred and sixty-nine Pounds Four Shillings and Eightpence, the whole of which at the Time of the passing of the said Act was due and owing to the said Commissioners of Public Works in Ireland: And whereas since the passing of the said Act the said Commissioners have received a Sum of One thousand three hundred and twenty-four Pounds Ten Shillings and Elevenpence only out of the Tolls payable in respect of the said Bridge, leaving a Balance of One thousand four hundred and forty-four Pounds Thirteen Shillings and Ninepence still due on foot of the said Sum of Two thousand seven hundred and sixty-nine Pounds Four Shillings and Eightpence on the Thirty-first December One thousand eight hundred and fifty-seven: And whereas it would be of great Advantage to the Public that such Tolls should be abolished: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Repeal of certain Clauses in Act of 4 & 5 W. 4. c. 61.

I. From and after the First Day of September One thousand eight hundred and fifty-eight the Sections of the said Act of the Fourth and Fifth William Fourth, Chapter Sixty-one, set forth in the Schedule to this Act annexed, shall be and the same are hereby repealed, save as to any Matters or Things heretofore done or which have heretofore taken place under the Authority thereof.

Tolls of Bridge to cease.

II. From and after the said First Day of September One thousand eight hundred and fifty-eight all Tolls, Revenues, Rights, Emoluments, Income, and Benefits arising out of the said Bridge, and vested by the said Act in the said Commissioners of Public Works, shall cease, determine, and become void.

The Bridge and Approaches vested in the Counties of Galway and Tipperary.

III. The Property in the said Bridge at Portumna, with the Approaches thereto, shall be deemed and taken to be the public Property of the County of Galway and of the County of Tipperary respectively, and (save as herein-after provided) shall henceforth be maintained and preserved at the Expense of the County of Galway and County of Tipperary, in equal Shares and Proportions; and the Grand Juries of the said Counties respectively shall and they are hereby required from Time to Time to make Presentment accordingly for such Repairs and Maintenance, without any Application to Presentment Sessions for that Purpose: Provided always, that the Part of the said Bridge forming the Drawbridge or Swivel Bridge shall, for the Purposes of Navigation, be maintained by the said Commissioners of Public Works out of the Tolls of the Shannon Navigation, and be under the Control and Conservancy of the said Commis-

Commissioners, to be made use of by them in like Manner as the other Swivel or Draw Bridges over the said River Shannon.

IV. From and after the passing of this Act, all Enactments Clauses, and Provisions in any Act or Acts of Parliament relating to the rebuilding, repairing, or maintaining or keeping in repair any Bridges in Ireland, whether made wholly or in part at the Public Expense or otherwise, or over Rivers forming the Boundaries between Two Counties or otherwise, shall be deemed and taken to apply to the said Bridge at Portumna, so far as the Facts and Circumstances shall admit.

Provisions of other Acts for rebuilding or repairing applicable.
6 G. 4. c. 101.
4 & 5 W. 4. c. 61.
6 & 7 W. 4. c. 116.

SCHEDULE referred to in the foregoing Act,

Showing the Clauses of the Act Fourth and Fifth William Fourth, Chapter Sixty-one, repealed by this Act.

Section	16
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Portumna Bridge (Ireland).

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

For abolishing the Tolls now levied on the Bridge over the Shannon at Portumna in Ireland.

(*Prepared and brought in by Mr. Wilson and Mr. Brand.*)

Ordered, by The House of Commons, *to be Printed,* 16 *April* 1858.

[Bill 48.]

Under 1 *oz.*

(Ireland.)

A

BILL

FOR

Shortening the Time of Prescription in certain Cases in Ireland.

WHEREAS the Expression "Time immemorial," or "Time "whereof the Memory of Man runneth not to the con- "trary," is now by the Law of Ireland in many Cases considered to include and denote the whole Period of Time from the Reign of King Richard the First, whereby the Title to Matters that have been long enjoyed is sometimes defeated by showing the Commencement of such Enjoyment, which is in many Cases productive of Inconvenience and Injustice: For Remedy thereof, be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That no Claim which may be lawfully made at the Common Law, by Custom, Prescription, or Grant, to any Right of Common or other Profit or Benefit to be taken and enjoyed from or upon any Land of our Sovereign Lady the Queen, Her Heirs or Successors, or of any Ecclesiastical or Lay Person, or Body Corporate, except such Matters and Things as are herein specially provided for, and except Tithes, Rent, and Services, shall, where such Right, Profit, or Benefit shall have been actually taken and enjoyed by any Person claiming Right thereto without Interruption for

Preamble.

Claims to Right of Common and other Profits a prendre not to be defeated after Thirty Years Enjoyment by showing the Commencement.

for the full Period of *Thirty* Years, be defeated or destroyed by showing only that such Right, Profit, or Benefit was first taken or enjoyed at any Time prior to the Period of *Thirty* Years, but nevertheless such Claim may be defeated in any other Way by which the same is now liable to be defeated; and when such Right, Profit, or Benefit shall have been so taken and enjoyed as aforesaid for the full Period of *Sixty* Years, the Right thereto shall be deemed absolute and indefeasible, unless it shall appear that the same was taken and enjoyed by some Consent or Agreement expressly made or given for that Purpose by Deed or Writing.

After Sixty Years Enjoyment the Right to be absolute, unless had by Consent or Agreement.

II. No Claim which may be lawfully made at the Common Law, by Custom, Prescription, or Grant, to any Way or other Easement, or to any Watercourse, or the Use of any Water, to be enjoyed or derived upon, over, or from any Land or Water of our said Lady the Queen, Her Heirs or Successors, or being the Property of any Ecclesiastical or Lay Person, or Body Corporate, when such Way or other Matter as herein last before mentioned shall have been actually enjoyed by any Person claiming Right thereto without Interruption for the full Period of *Twenty* Years, shall be defeated or destroyed by showing only that such Way or other Matter was first enjoyed at any Time prior to such Period of *Twenty* Years, but nevertheless such Claim may be defeated in any other Way by which the same is now liable to be defeated; and where such Way or other Matter as herein last before mentioned shall have been so enjoyed as aforesaid for the full Period of *Forty* Years, the Right thereto shall be deemed absolute and indefeasible, unless it shall appear that the same was enjoyed by some Consent or Agreement expressly given or made for that Purpose by Deed or Writing.

In Claims of Right of Way or other Easement the Periods to be Twenty Years and Forty Years.

III. When the Access and Use of Light to and for any Dwelling House, Workshop, or other Building shall have been actually enjoyed therewith for the full Period of *Twenty* Years without Interruption, the Right thereto shall be deemed absolute and indefeasible, any local Usage or Custom to the contrary notwithstanding, unless it shall appear that the same was enjoyed by some Consent or Agreement expressly made or given for that Purpose by Deed or Writing.

Claim to the Use of Light enjoyed for Twenty Years indefeasible unless shown to have been by Consent.

IV. Each of the respective Periods of Years herein-before mentioned shall be deemed and taken to be the Period next before some Suit or Action wherein the Claim or Matter to which such Period may relate shall have been or shall be brought into question, and that no Act or other Matter shall be deemed to be an Interruption, within the Meaning of this Statute, unless the same shall have been or shall be submitted to or acquiesced in for *One Year* after the Party interrupted

Before-mentioned Periods to be deemed those next before Suits for Claims to which such Periods relate.

rupted shall have had or shall have Notice thereof, and of the Person making or authorizing the same to be made.

In Actions on the Case the Claimant may allege his Right generally, as at present.

V. In all Actions and other Pleading, wherein the Party claiming may now by Law allege his Right generally, without averring the Existence of such Right from Time immemorial, such general Allegation shall still be deemed sufficient, and if the same shall be denied, all and every the Matters in this Act mentioned and provided, which shall be applicable to the Case, shall be admissible in Evidence to sustain or rebut such Allegation; and in all Pleadings wherein before the passing of this Act it would have been necessary to allege the Right to have existed from Time immemorial, it shall be sufficient to allege the Enjoyment thereof as of Right by the Occupiers of the Tenement in respect whereof the same is claimed for and during such of the Periods mentioned in this Act as may be applicable to the Case, and without claiming in the Name or Right of the Owner of the Fee, as is now usually done; and if the other Party shall intend to rely on any Proviso, Exception, Incapacity, Disability, Contract, Agreement, or other Matter herein-before mentioned, or on any Cause or Matter of Fact or of Law not inconsistent with the simple Fact of Enjoyment, the same shall be specially alleged and set forth in answer to the Allegation of the Party claiming, and shall not be received in Evidence on any general Traverse or Denial of such Allegation.

In Pleadings where Party used to allege his Claim from Time immemorial, the Period mentioned in this Act may be alleged; and Exceptions or other Matters to be replied specially.

Restricting the Presumption to be allowed in support of Claims herein provided for.

VI. In the several Cases mentioned in and provided for by this Act, no Presumption shall be allowed or made in favour or support of any Claim, upon Proof of the Exercise or Enjoyment of the Right or Matter claimed for any less Period of Time or Number of Years than for such Period or Number mentioned in this Act as may be applicable to the Case and to the Nature of the Claim.

Proviso for Infants, &c.

VII. Provided always, That the Time during which any Person otherwise capable of resisting any Claim to any of the Matters before mentioned shall have been or shall be an Infant, Idiot, non compos mentis, Feme Covert, or Tenant for Life, or during which any Action or Suit shall have been pending, and which shall have been diligently prosecuted, until abated by the Death of any Party or Parties thereto, shall be excluded in the Computation of the Periods herein-before mentioned, except only in Cases where the Right or Claim is hereby declared to be absolute and indefeasible.

What Time to be excluded in computing

VIII. Provided also, That when any Land or Water upon, over, or from which any such Way or other convenient Watercourse or Use of Water shall have been or shall be enjoyed or derived hath been

the Term of Forty Years appointed by this Act.

been or shall be held under or by virtue of any Term of Life, or any Term of Years exceeding *Three* Years from the granting thereof, the Time of the Enjoyment of any such Way or other Matter as herein last before mentioned, during the Continuance of such Term, shall be excluded in the Computation of the said Period of *Forty* Years in case the Claim shall within *Three* Years next after the End or sooner Determination of such Term be resisted by any Person entitled to any Reversion expectant on the Determination thereof.

To extend to Ireland only.

IX. This Act shall extend to Ireland only.

Commencement of Act.

X. This Act shall commence and take effect on the *First Day of Michaelmas Term* now next ensuing.

Prescription (Ireland).

A

B I L L

For shortening the Time of Prescription in certain Cases in Ireland.

(Prepared and brought in by Mr. Bland and Mr. Dobbs.)

Ordered, by The House of Commons, *to be Printed,* 17 *February* 1857.

[Bill 23.]

Under 1 *oz.*

(No. 2.)

A

BILL

FOR

Shortening the Time of Prescription in certain Cases in Ireland.

Preamble.

WHEREAS by an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of King William the Fourth, Chapter Seventy-one, Provisions were made for shortening the Time of Prescription in certain Cases, and it is expedient that the Provisions of the said Act should be extended to Ireland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Act 2 & 3 W. 4. c. 71. extended to Ireland.

I. The Provisions of the said Act of the Second and Third Years of the Reign of King William the Fourth, Chapter Seventy-one, shall from and after the *First Day of January One thousand eight hundred and fifty-nine* extend and apply to Ireland.

Prescription (Ireland).

(No. 2.)

A

BILL

For shortening the Time of Prescription in certain Cases in Ireland.

(Prepared and brought in by Mr. Attorney General for Ireland, Mr. Bland, and Lord Naas.)

Ordered, by The House of Commons, *to be Printed,* 10 *May* 1858.

[Bill 81.]

Under 1 *oz.*

13 *May* 1858. 21 Vict.

A

BILL

TO

Guarantee a Loan for the Service of Prince Edward Island.

WHEREAS by an Act of the General Assembly of Prince Edward Island, passed in the Twentieth Year of the Reign of Her present Majesty, intituled "An Act for "raising Moneys to be applied to the Purchase of Lands under "the Act Sixteenth Victoria, Chapter Eighteen, intituled 'An "'Act for the Purchase of Lands on behalf of the Govern-"'ment of Prince Edward Island, and to regulate the Sale and "'Management thereof, and for other Purposes therein mentioned,'" it was enacted, that such Person or Persons as should be from Time to Time appointed in that Behalf by the Lieutenant Governor of that Island, with the Advice and Consent of Her Majesty's Executive Council, and approved of by Her Majesty's Imperial Government, should be Agent or Agents in England under that Act for the Purpose of raising and managing the Moneys hereinafter proposed to be raised; and that the Agent or Agents for the Time being under that Act should have full Power and Authority to borrow and raise in Great Britain or elsewhere, by Bond, Debenture, or otherwise, such Sum or Sums, not exceeding in the whole the Sum of One hundred thousand Pounds Sterling, as he or they might from Time to Time be called upon or requested to raise and borrow for the Purposes therein-before mentioned by Warrants under the Hand of the Lieutenant Governor of that Island, to which should be also affixed the Great Seal of that Island, and the Signature of the Colonial Secretary thereof Preamble.

thereof for the Time, in the Form set forth in the Schedule to that Act, or to a similar Effect, in each of which Warrants should be expressly stated the Amount thereby required to be raised; and all Bonds to be granted by such Agent or Agents under that Act should be in such Form as he or they should deem fit and proper, and should be transferable and negotiable, and should be made redeemable at the Expiration of Twenty Years from the Date of such Bonds or Debentures respectively, and every such Bond or Debenture should be drawn for a Sum not less than Fifty Pounds Sterling, and should bear Interest at the lowest Rate at which the Loan could be effected, not exceeding the yearly Rate of Four Pounds in the Hundred, which Interest should, by each Bond or Debenture, be made payable half-yearly at some Place in London, to be named for that Purpose in such Bond or Debenture; and it was thereby further enacted, that for the Repayment of all Sums of Money borrowed under that Act, and the Interest thereon, and for the Payment of all Sums contracted to be paid under that Act, and Expenses incurred thereunder, the Moneys arising from the Sale, Rents, and Profits of Lands purchased thereunder and paid into the Treasury should, in the first instance, be pledged and rendered liable, and the other Public Funds, Moneys, and Securities of that Island should be, in the next place, pledged and rendered liable; and it was thereby enacted, that for the gradual Redemption of the Principal Moneys to be raised under that Act there should be established a Sinking Fund, to which Sinking Fund there should be carried and appropriated, at the Expiration of One Year from the Date of each Bond or Debenture respectively, and each succeeding Year thereafter, from and out of the special Moneys arising from the Sales, Rents, and Profits of Lands purchased by Moneys raised thereunder, or from or out of the general Revenues of Prince Edward Island, the Sum of Five Pounds for each Sum of One hundred Pounds from Time to Time borrowed and secured by such Bonds or Debentures, by which Means the Repayment of the Principal Money secured by each Bond or Debenture would be secured at the Expiration of Twenty Years from the Date thereof respectively; and such annual Sums of Money, and the Interest or Dividends to accrue upon the same when invested, should be invested by such Agent or Agents in such of the Public Funds of Great Britain or of Prince Edward Island, or in buying up Debentures or Bonds issued under the said Act, in such Manner and in the Names of such Persons as the Lord High Treasurer or the Lords Commissioners of Her Majesty's Treasury, or any Three, should from Time to Time direct: And whereas it is expedient to guarantee, as herein-after mentioned, the Payment of the Sums to be borrowed under the said Act of the General Assembly of Prince Edward Island, with the Interest thereon, not exceeding the Rate in the said Act limited: Be it therefore enacted by the Queen's most Excellent

Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Sums borrowed under recited Prince Edward Island Act not exceeding 100,000*l.* and Interest guaranteed.

I. The Liquidation of all such Sums not exceeding in the whole the Sum of *One hundred thousand Pounds* as shall be borrowed and raised in Great Britain under the said recited Act of the General Assembly of Prince Edward Island with the Approbation of the Commissioners of Her Majesty's Treasury, together with the Interest thereon not exceeding the yearly Rate of *Four Pounds* for One hundred Pounds, shall be guaranteed under this Act; and for giving effect to such Guarantee it shall be lawful for the Commissioners of Her Majesty's Treasury to direct and cause to be issued and paid out of the growing Produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland such Sums as shall be required to make good any Deficiency which shall happen in the regular Payment, on the Part of Prince Edward Island, of the Interest accruing due upon such Sums as shall be borrowed as aforesaid, or in the Liquidation of the Principal Sums when the same shall become payable.

Advances out of Consolidated Fund to be charged on Revenues of Prince Edward Island.

II. All the Sums which shall be so issued and paid out of the said Consolidated Fund in respect of the Interest of the Sums borrowed as aforesaid, or the Liquidation of the Principal Sums, with Interest upon the Sums so issued after the yearly Rate of Five Pounds for One hundred Pounds, to be computed from the several Times of issuing the same, shall be charged upon the Money arising from the Sales, Rents, and Profits of the Lands purchased as mentioned in the said Act of the General Assembly of Prince Edward Island, and on the general Revenues of the said Island.

Agents to be appointed or approved by Her Majesty.

III. Such Person or Persons as shall be appointed or approved by Her Majesty for this Purpose shall be the Agent or Agents in Great Britain under the said Act of the General Assembly of Prince Edward Island and this Act for raising and managing the Monies of which the Liquidation is guaranteed by this Act.

No Act of Prince Edward Island varying the Security for the Money borrowed and Interest to be valid unless confirmed by Her Majesty in Council.

IV. No Act passed by the Legislature of Prince Edward Island in anywise discharging or varying the Security expressed to be given by the said recited Act of Assembly for the Repayment of the Sums of Money borrowed under such Act, and the Interest thereon, shall be valid, unless such Act contain a Clause suspending the Operation of the same until Her Majesty's Pleasure shall have been taken thereon, and the same shall have been confirmed by Her Majesty, with the Advice of Her Privy Council, and a Proclamation of such Confirmation having been given shall have been made by the Governor or Person administering the Government of the said Island.

Certificate of Amount paid out of Consolidated Fund to be sent to Prince Edward Island.

V. The Commissioners of Her Majesty's Treasury shall from Time to Time certify to One of Her Majesty's Principal Secretaries of State the Amount so paid from Time to Time on account of the Interest or Principal of the Sums borrowed as aforesaid; and such Certificate shall be communicated to the Governor or Person administering the Government of Prince Edward Island, and shall be by him communicated to the General Assembly of the said Island; and such Certificate shall be conclusive Evidence of the Amount so paid out of the Consolidated Fund of the said United Kingdom, and of the Time when the same was paid on account of the Interest or Principal of the Sums so borrowed.

Accounts to be laid before Parliament.

VI. The Commissioners of Her Majesty's Treasury shall cause to be prepared, and shall lay before both Houses of Parliament, within *Fourteen Days* next after the Beginning of every Session, an Account of all Sums from Time to Time issued out of the Consolidated Fund of the said United Kingdom by virtue of this Act towards making good any such Deficiency as aforesaid, and also an Account of all Sums repaid by or recovered from Prince Edward Island, by reason of such Advance, with the Interest paid or recovered thereon.

Prince Edward Island Loan.

A

B I L L

To guarantee a Loan for the Service of Prince Edward Island.

(Prepared and brought in by Mr. FitzRoy, Lord Stanley, and Mr. Chancellor of the Exchequer.)

Ordered, by the House of Commons, *to be Printed,* 13 *May* 1858.

[Bill 84.] *Under* 1 *oz.*

A

B I L L

INTITULED

An Act to amend the Act of the Twentieth and Twenty-first Victoria, Chapter Seventy-seven.

[Note.—*The Clauses and Words printed in Red Ink are proposed to be inserted in Committee.*]

Preamble.

WHEREAS in the last Session of Parliament an Act was passed, intituled "An Act to amend the Law relating to "Probates and Letters of Administration in England," herein-after designated "The Court of Probate Act:" And whereas it is expedient to amend the same: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Judge of the High Court of Admiralty and the Judge of the Court of Probate may sit for each other.

I. It shall be lawful for the Judge of the High Court of Admiralty to sit in open Court or in Chambers for the Judge of Her Majesty's Court of Probate, and it shall be lawful for the Judge of Her Majesty's Court of Probate to sit in open Court or in Chambers for the Judge of the High Court of Admiralty; and all Orders, Decrees, or Sentences, and other Acts whatsoever, made, decreed, pronounced, or done by either of the Judges aforesaid acting for the other, shall, in the Court Books, be stated to have been made, decreed, pronounced, or done by such Judge sitting and acting on behalf

of such other Judge; and such Orders, Decrees, Sentences, and other Acts so made, decreed, pronounced, or done shall have the same Force and Validity in Law as if they had been made, decreed, pronounced, or done by the Judge on whose Behalf they purport to have been so made, decreed, pronounced, or done.

The Judge of the Court of Probate may sit in Chambers.

II. It shall be lawful for the Judge of the Court of Probate for the Time being to sit in Chambers for the Dispatch of such Part of the Business of the said Court as can in the Opinion of the said Judge, with Advantage to the Suitors, be heard in Chambers; and the Times at which such Sittings shall be held shall from Time to Time be fixed by the Judge: Provided always, that no Question shall be heard in Chambers which either Party shall require to be heard in open Court.

TheCommissioners of the Treasury to provide Chambers.

III. The Commissioners of Her Majesty's Treasury shall from Time to Time provide Chambers in which the Judge of the Court of Probate shall sit for the Dispatch of such Business as aforesaid; and until such Chambers are provided elsewhere the said Judge shall sit in Chambers in any Room which he may find convenient for the Purpose.

The Judge sitting in Chambers to exercise the same Power as if sitting in open Court.

IV. The Judge of the Court of Probate, when so sitting in Chambers, shall have and exercise the same Power and Jurisdiction in respect of the Business to be brought before him as if sitting in open Court.

Power to appoint an additional Registrar.

V. Whereas there are now Three Registrars only of the Principal Registry of the said Court, that is to say, Augustus Frederic Bayford, the Senior Registrar; Charles John Middleton, the Second Registrar; and Edward Francis Jenner, the Third Registrar: And whereas the Duties of the said Principal Registry cannot be efficiently discharged by Three Registrars: Be it enacted, That it shall be lawful for the Judge of the said Court to appoint a Fourth Registrar for the Principal Registry of the said Court, in addition to the Three Registrars appointed under the Court of Probate Act; and from and after the Appointment of such Fourth Registrar there shall be paid to each of the said Registrars the annual Salary mentioned in the Schedule to this Act, in lieu of the Salary provided by the Court of Probate Act.

Vacancy in Office of Registrar how to be filled up.

VI. On the Death, Resignation, or Removal of any of the Four Registrars of the said Principal Registry, other than the Junior Registrar for the Time being, the Vacancy thereby occasioned shall be filled up by the Registrar next in Seniority to whom no sufficient Objection

Objection shall be made to the Satisfaction of the Judge of the said Court.

Clerks in the Principal Registry may be Registrars or District Registrars.

VII. Clerks in the Principal Registry of the Court of Probate shall be eligible to be appointed Registrars or District Registrars of the said Court.

The Salaries of the Record Keepers and Sealer to be fixed by Judge, with the Consent of the Treasury

Whereas by Section Eighteen of the Court of Probate Act, and the Schedule (B.) to the said Act annexed, certain fixed Salaries are made payable to the Record Keepers and the Sealer of the said Court: Be it enacted, That so much of the said Act as fixes the said Salaries shall be repealed, and in lieu of the Salaries so fixed they shall receive respectively such Salaries as the Judge, with the Consent of the Commissioners of Her Majesty's Treasury, shall from Time to Time direct.

Certain Articled Clerks to be admitted Proctors of the Court of Probate.

VIII. It shall be lawful for the Judge of the Court of Probate to admit any Person who at the Time of the passing of the Court of Probate Act was articled to a Proctor in Doctors Commons, or to a Proctor belonging to the Prerogative Court of the Archbishop of York, so soon as he shall have served the full Term for which he was articled, or within the Period of One Year therefrom, to be a Proctor of Her Majesty's Court of Probate, upon the Payment of such Fees as shall be fixed by the Judge of the said Court, with the Sanction of the Commissioners of Her Majesty's Treasury.

Where Personalty is under 200*l.* County Court to have the Jurisdiction.

IX. Where it appears by Affidavit to the Satisfaction of a Registrar of the Principal Registry that the Testator or Intestate in respect of whose Estate a Grant or Revocation of a Grant of Probate or Letters of Administration is applied for had at the Time of his Death his fixed Place of Abode in One of the Districts specified in Schedule (A.) to the said "Court of Probate Act," and that the Personal Estate in respect of which such Probate or Letters of Administration are to be or have been granted, exclusive of what the Deceased may have been possessed of or entitled to as a Trustee, and not beneficially, but without deducting anything on account of the Debts due and owing from the Deceased, was at the Time of his Death under the Value of Two hundred Pounds, and that the Deceased at the Time of his Death was not seised or entitled beneficially of or to any Real Estate of the Value of Three hundred Pounds or upwards, the Judge of the County Court having Jurisdiction in the Place in which the Deceased had at the Time of his or her Death a fixed Place of Abode shall have the contentious Jurisdiction and Authority of the Court of Probate in respect of Questions as to the Grant and Revocation of Probate of the Will or Letters of Administration of the

Effects of such deceased Person, in case there be any Contention in relation thereto.

20 & 21 Vict. c. 77. s. 54. to be repealed.

X. Section Fifty-four of the said Court of Probate Act shall be and the same is hereby repealed.

20 & 21 Vict. c. 77. s. 59. to apply to Applications for Revocation of Grants.

XI. The said Court of Probate Act, Section Fifty-nine, shall, so far as the County Courts or a Judge thereof are concerned, apply to an Application for the Revocation of a Grant of Probate or Administration as well as to an Application for any such Grant.

Power to make Rules and Orders and Scales of Fees for the County Courts.

XII. The Power and Authority to make Rules and Orders for regulating the Proceedings of the County Courts shall extend and be applicable to all Proceedings in the County Courts under this Act, and also to framing a Scale of Costs and Charges to be paid to Counsel, Proctors, Solicitors, and Attornies, in respect of Proceedings in County Courts, under the said Court of Probate Act or this Act.

Noncontentious Business pending in any Ecclesiastical Court to be transferred.

XIII. All Noncontentious Business pending in any Ecclesiastical Court at the Time when "The Court of Probate Act" came into operation shall be deemed to have been transferred to the Court of Probate, in the same Way as all pending Suits were transferred to the said Court under the said Act, and all Acts executed under the Authority of any such Ecclesiastical Court with reference to such Business which would have been valid if the Authority of such Court had not been abolished shall be valid, and all Oaths and Bonds sworn and executed in manner required by any such Ecclesiastical Court in reference to such Business, prior to the Eleventh Day of January One thousand eight hundred and fifty-eight, shall continue to have and be deemed to have had the same Force and Effect in Law as they would have had if sworn and executed in pursuance of the Provisions of the said Act or of this Act.

Bonds given before 11th January 1858 to remain in force.

XIV. Bonds given to any Archbishop, Bishop, or other Person exercising Testamentary Jurisdiction in respect of Grants of Letters of Administration made prior to the Eleventh Day of January One thousand eight hundred and fifty-eight, or in respect of Grants made in pursuance of the Court of Probate Act or of this Act, whether taken under a Commission or Requisition executed before or after the said Eleventh Day of January, shall enure to the Benefit of the Judge of the Court of Probate, and, if necessary, shall be put in force in the same Manner and subject to the same Rules (so far as the same may be applicable to them) as if they had been given to the Judge of the said Court subsequently to that Day.

XV. When-

An Executor not acting or not appearing to a Citation to be treated as if he had renounced.

XV. Whenever an Executor appointed in a Will survives the Testator, but dies without having taken Probate, and whenever an Executor named in a Will is cited to take Probate, and does not appear to such Citation, the Right of such Person in respect of the Executorship shall wholly cease, and the Representation to the Testator and the Administration of his Effects shall and may, without any further Renunciation, go, devolve, and be committed in like Manner as if such Person had not been appointed Executor.

The Judge of the Court of Probate may amend Grants made before 11th January 1858.

XVI. The Judge of the Court of Probate shall have and exercise the same Power of altering and amending Grants of Probate and Letters of Administration made before the Eleventh Day of January One thousand eight hundred and fifty-eight as any Ecclesiastical Court had and exercised in respect of such Grants.

38 G. 3. c. 87. and 20 & 21 Vict. c. 77. s. 74. to be extended to all Cases of Executors and Administrators.

XVII. The Provisions of an Act passed in the Thirty-eighth Year of George the Third, Chapter Eighty-seven, and of "The Court of Probate Act," shall be extended to all Executors and Administrators residing out of the Jurisdiction of Her Majesty's Courts of Law and Equity, whether it be or be not intended to institute Proceedings in the Court of Chancery, and to all Grants made before and subsequently to the passing of the last-mentioned Act, and it shall be lawful to alter the Language of the Grant prescribed by the first-named Statute so as to make it apply to Grants made in the Court of Probate under the said last-mentioned Act.

Between the Death of the Person deceased and the Grant the Property to vest in the Judge Ordinary.

XVIII. From and after the Decease of any Person dying intestate, and until Letters of Administration shall be granted in respect of his Estate and Effects, the Personal Estate and Effects of such deceased Person shall be vested in the Judge Ordinary for the Time being, in the same Manner and to the same Extent as heretofore they vested in the Ordinary.

Second and subsequent Grants to be made where the original Will or the original Letters of Administration are deposited.

XIX. All Second and subsequent Grants of Probate or Letters of Administration shall be made in the Principal Registry, or in the District Registry where the original Will is registered or the original Grant of Letters of Administration has been made, or in the District Registry to which the original Will or a registered Copy thereof, or the Record of the original Grant of Administration, have been transmitted, by virtue of a Requisition issued in pursuance of Section Eighty-nine of "The Court of Probate Act;" and for and in respect of such Second or subsequent Grants of Probate or Letters of Administration to be made in a District Registry it shall not be requisite that it should appear by Affidavit that the Testator or Intestate had a fixed Place of Abode within the District in which the Application is made.

The Court of Probate may require Security from a Receiver of Real Estate.

XX. It shall be lawful for the Court of Probate to require Security by Bond, in such Form as by any Rules and Orders shall from Time to Time be directed, with or without Sureties, from any Receiver of the Real Estate of any deceased Person appointed by the said Court, under Section Seventy-one of "The Court of Probate Act;" and the Court may, on Application, made on Motion or in a summary Way, order One of the Registrars of the Court to assign the same to some Person to be named in such Order; and such Person, his Executors or Administrators, shall thereupon be entitled to sue on the said Security, or put the same in force in his or their own Name or Names, both at Law and in Equity, as if the same had been originally given to him instead of to the Judge of the said Court, and shall be entitled to recover thereon, as Trustee for all Persons interested, the full Amount due in virtue thereof.

Administration pendente Lite may be granted in case of Appeals.

XXI. All the Provisions contained in the Court of Probate Act respecting Grants of Administration pending Suit shall be deemed to apply to the Case of Appeals to the House of Lords under the said Act.

Registrar may issue a Subpœna to bring in a Paper.

XXII. It shall be lawful for a Registrar of the Principal Registry of the Court of Probate, and whether any Suit or other Proceeding shall or shall not be pending in the said Court, to issue a Subpœna requiring any Person to produce and bring into the Principal or any District Registry, or otherwise, as in the said Subpœna may be directed, any Paper or Writing being or purporting to be testamentary, which may be shown to be in the Possession, within the Power, or under the Control of such Person; and such Person, upon being duly served with the said Subpœna, shall be bound to produce and bring in such Paper or Writing, and shall be subject to the like Process of Contempt in case of Default as if he had been a Party to a Suit in the said Court, and had been ordered by the Judge of the Court of Probate to produce and bring in such Paper or Writing.

The Registrars to do all Acts heretofore done by Surrogates.

XXIII. The Registrars of the Principal Registry shall be invested with and shall and may exercise with reference to Proceedings in the Court of Probate the same Power and Authority which Surrogates of the Judge of the Prerogative Court of Canterbury could or might before the passing of the Court of Probate Act have exercised in Chambers with reference to Proceedings in the said Prerogative Court.

District Registrars not to act as Advocates, Barristers,

XXIV. No District Registrar appointed under the Court of Probate Act shall practise, either directly or indirectly, as an Advocate, Barrister, Proctor, Solicitor, or Attorney, or as Agent of a Proctor, Solicitor,

Solicitor, or Attorney, in reference to any Business coming before himself as District Registrar, or coming before any Person as District Registrar holding the Office of District Registrar conjointly with himself; provided that every District Registrar shall be entitled, in Cases where Parties apply in Person for Grants of Probate or Administration to him, or to any Person holding the Office of District Registrar conjointly with him, to do such Acts and to receive such Fees as have been or shall be hereafter sanctioned by any Rules and Orders or any Tables of Fees issued or to be issued from Time to Time under the Provisions of the said last-mentioned Act. Proctors, Solicitors, or Attornies.

Copies of Wills required to be transmitted by a District Registrar, and certified by him to be correct Copies, under Section Fifty-one of the Court of Probate Act, may be so certified and transmitted under a Stamp provided by the District Registrar for that Purpose, and approved of by the Judge of the Court of Probate. Copies of Wills may be certified by a Stamp.

Certificates issued from the Principal Registry with reference to Notices of Applications transmitted from the District Registrars under Section Forty-nine of the Court of Probate Act need not be made under the Hand of a Registrar of the Principal Registry, as required by the said Act, but may be issued under a Stamp provided for that Purpose, and approved of by the Judge of the Court of Probate. Certificates from the Principal Registry may be stamped.

XXV. Whereas Doubts have been entertained whether a Requisition can be issued under Section Eighty-nine of the Court of Probate Act for the Transmission of One or more Papers only, not being all the Papers and Documents in the Custody of the Person to whom any such Requisition may be addressed: Be it therefore enacted and declared, That the said Section shall be construed to extend to all Requisitions, whether for the Transmission of One or of more Records, Wills, Grants, Probates, Letters of Administration, Administration Bonds, Notes of Administration, Court Books, Calendars, Deeds, Processes, Acts, Proceedings, or other Instruments relating exclusively or principally to Matters and Causes Testamentary. Requisitions may be issued for the Transmission of a single Paper.

XXVI. The Judge of the Court of Probate, and the Registrars of the Principal Registry thereof, shall respectively, in any Case where an Ecclesiastical or other Court having Testamentary Jurisdiction had previously to the Eleventh Day of January One thousand eight hundred and fifty-eight made any Order or Decree in respect of Costs, have the same Power of taxing such Costs, and enforcing Payment thereof, or of otherwise carrying such Order or Decree into effect, as if the Cause wherein such Decree was made had been originally Power to enforce Decree as to Costs.

originally commenced and prosecuted in the said Court of Probate: Provided that in taxing any such Costs, or any other Costs incurred in Causes depending in any such Courts before the Time aforesaid, all Fees, Charges, and Expenses shall be allowed which might have been legally made, charged, and enforced according to the Practice of the Prerogative Court of Canterbury.

Letters of Administration granted in Ireland not to be re-sealed in England, except when sufficient Bond is given.

XXVII. Letters of Administration granted by the Court of Probate in Ireland shall not be resealed, under Section Ninety-five of the Twentieth and Twenty-first Victoria, Chapter Seventy-nine, until a Certificate has been filed under the Hand of a Registrar of the Court of Probate in Ireland that Bond has been given to the Judge of the Court of Probate in Ireland in a Sum sufficient in Amount to cover the Property in England as well as in Ireland in respect of which such Administration is required to be resealed.

Commissioners may be appointed in the Isle of Man, &c.

XXVII. It shall be lawful for the Judge of the Court of Probate to appoint, by Commission under Seal of the Court, any Persons practising as Solicitors in the Isle of Man, in the Channel Islands, or any of them, to administer Oaths, and to take Declarations or Affirmations, and to exercise any other Powers which can be exercised by Commissioners of Her Majesty's Court of Probate; and such Persons shall be entitled from Time to Time to charge and take such Fees as any other Persons performing the same Duties in the Court of Probate may charge and take.

Affidavits, before whom to be sworn when Parties making them reside in Foreign Parts.

XXIX. In Cases where it is necessary to obtain Affidavits, Declarations, or Affirmations to be used in the Court of Probate from Persons residing in Foreign Parts out of Her Majesty's Dominions, the same may be sworn, declared, or affirmed before the Persons empowered to administer Oaths under the Act of the Sixth of George the Fourth, Chapter Eighty-seven, or under the Act of the Eighteenth and Nineteenth of Victoria, Chapter Forty-two; provided that in Places where there are no such Persons as are mentioned in the said Acts such Affidavits, Declarations, or Affirmations may be made, declared, and affirmed before any Foreign local Magistrate or other Person having Authority to administer an Oath.

Affidavits, before whom to be sworn.

XXX. Affidavits, Declarations, and Affirmations to be used in the Court of Probate, may be sworn and taken in Scotland, Ireland, the Isle of Man, the Channel Islands, or any Colony, Island, Plantation, or Place out of England under the Dominion of Her Majesty, before any Court, Judge, Notary Public, or Person lawfully authorized to administer Oaths in such Country, Colony, Island, Plantation, or Place respectively, or, so far as relates to the Isle of Man and

and the Channel Islands, before any Commissary, Ecclesiastical Judge or Surrogate, who, at the Time of the passing of the Court of Probate Act, was authorized to administer Oaths in the Isle of Man or in the Channel Islands respectively, and all Registrars and other Officers of the Court of Probate shall take judicial Notice of the Seal or Signature, as the Case may be, of any such Court, Judge, Notary Public or Person, which shall be attached, suspended, or subscribed to any such Affidavit, Declaration, or Affirmation, or to any other Document.

Persons forging Seal or Signature guilty of Felony.

XXXI. If any Person shall forge any such Seal or Signature as last aforesaid, or any Seal or Signature impressed, affixed, or subscribed, under the Provisions of the said Act of the Sixth of George the Fourth, or of the said Act of the Eighteenth and Nineteenth Victoria, to any Affidavit, Declaration, or Affirmation to be used in the Court of Probate, or shall tender in Evidence any such Document as aforesaid with a false or counterfeit Seal or Signature thereto, knowing the same to be false or counterfeit, he shall be guilty of Felony, and shall upon Conviction be liable to Penal Servitude for the Term of his Life, or for any Term not less than Seven Years, or to be imprisoned, with or without Hard Labour, for any Term not exceeding Three Years nor less than One Year; and whenever any such Document has been admitted in Evidence by virtue of this Act, the Court or the Person who has admitted the same may, at the Request of any Party against whom the same is so admitted in Evidence, direct that the same shall be impounded, and be kept in the Custody of some Officer of the Court or other proper Person, for such Period and subject to such Conditions as to the said Court or Person shall seem meet; and every Person charged with committing any Felony under this Act may be dealt with, indicted, tried, and, if convicted, sentenced, and his Offence may be laid and charged to have been committed, in the County, District, or Place in which he may be apprehended or be in Custody; and every Accessory before or after the Fact to any such Offence may be dealt with, indicted, tried, and, if convicted, sentenced, and his Offence laid and charged to have been committed, in any County, District, or Place in which the principal Offender may be tried.

Persons taking a false Oath before a Surrogate, guilty of Perjury.

XXXII. Any Person who shall wilfully give false Evidence, or who shall wilfully swear, affirm, or declare falsely, in any Affidavit or Deposition before any Surrogate having Authority to administer Oaths under the Court of Probate Act, or before any Person who before the passing of the said Act was a Surrogate authorized to administer Oaths in any of the Channel Islands, or before any Person authorized

to administer Oaths under this Act, shall be liable to the Penalties and Consequences of wilful and corrupt Perjury.

Provision for the necessary Absence of Officers.

XXXIII. In case any Officer appointed or to be appointed by virtue of the Court of Probate Act, 1857, or of this Act, shall, by reason of Ill-health or other Infirmity, become temporarily incapable of performing the Duties of his Office, it shall be lawful for the Judge to appoint some other fit and proper Person to discharge the Duties of such Office for any Period not exceeding Six Calendar Months at any One Time, and the Person so appointed shall, during such Period, have all the Power and Authority of the Officer in whose Place he shall be so appointed, and shall be paid by such Officer such Sum by way of Salary or Allowance as shall be agreed upon between them respectively or be fixed by the Judge, and the Judge may, at his Discretion, give Leave of Absence to any Officer of the Court for any Period not exceeding Two Months in any Year, and shall have the like Power of making Provision for the Discharge of the Duties of the Office during such Absence.

Superannuation Allowances, &c.

It shall be lawful for the Commissioners of Her Majesty's Treasury, on the Recommendation of the Judge of Her Majesty's Court of Probate, to order to be paid to any Registrar or District Registrar, or other Officer or Person now or hereafter holding any Office or Employment in the said Court, who shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, or shall be desirous of resigning the same, a Superannuation or Allowance; and in ascertaining and awarding the Amount of such Superannuation or Allowance the said Commissioners shall proceed according to the Principles laid down in the Acts of the Fourth and Fifth Years of King William the Fourth, Chapter Twenty-four, and the Twentieth and Twenty-first Victoria, Chapter Thirty-seven; provided that in reckoning the Length of Service in respect of which any such Superannuation or Allowance shall be awarded the Period during which any such Person may have served in the Registry of the Prerogative Court of Canterbury shall be included.

The Judge to have the same Powers over Practitioners as the Judges of other Courts.

XXXIV. The Judge of the Court of Probate shall have and exercise, over Proctors, Solicitors, and Attornies practising in the said Court, the like Authority and Control as is now exercised by the Judges of any Court of Equity or Common Law over Persons practising therein as Solicitors or Attornies.

Short Title of Act.

XXXV. In citing the Act of the Twentieth and Twenty-first Victoria, Chapter Seventy-seven, in any Instrument, Document, or Proceeding,

Proceeding, it shall be sufficient to use the Expression "The Court of Probate Act, 1857," and in citing this Act, the Expression "Court of Probate Act, 1858."

SCHEDULE.

	£
Senior Registrar - - -	1,600
Second „ - - -	1,500
Third „ - - -	1,500
Fourth „ - - -	1,400

Probates and Letters of Administration Act Amendment.

A

BILL

INTITULED

An Act to amend the Act of the Twentieth and Twenty-first Victoria, Chapter Seventy-seven.

(*Brought from the Lords 24 June 1858.*)

Ordered, by The House of Commons, *to be Printed,*
24 *June* 1858.

[Bill 158.]

Under 2 oz.

22 *April* 1858. 21 Vict.

A

BILL

TO

Abolish the Property Qualifications of Members of Parliament.

WHEREAS by the several Acts and Parts of Acts herein-after mentioned Provisions have been made for requiring, on the Part of Members of the House of Commons elected for England and Ireland respectively, certain Qualifications in respect of Property: And whereas it is expedient that the said Provisions should be repealed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble

I. The several Acts and Parts of Acts herein-after mentioned, (that is to say,) an Act of the Ninth Year of the Reign of Queen Anne, intituled "An Act for securing the Freedom of Parliament, by farther "qualifying the Members to sit in the House of Commons," an Act of the Thirty-third Year of the Reign of King George the Second, intituled "An Act to enforce and render more effectual the Laws relating to "the Qualification of Members to sit in the House of Commons," an Act of the Fifty-ninth Year of the Reign of King George the Third, intituled "An Act for further regulating the Qualification of Members "to serve in the United Parliament of Great Britain and Ireland,' and an Act of the Session of Parliament holden in the First and Repeal of Acts, 9 Anne, c. 5. 33 G. 2. c. 20. 59 G. 3. c. 37.

Second

1 & 2 Vict. c. 48.
Second Years of the Reign of Her present Majesty, intituled "An "Act to amend the Laws relating to the Qualification of Members to "serve in Parliament," and so much of an Act of Parliament of England, and of an Act of Parliament of Ireland, respectively passed in the Fortieth Year of King George the Third, and respectively

39 & 40 G. 3. c. 67.
intituled "An Act for the Union of Great Britain and Ireland," as provides that the Qualifications in respect of Property of the Members

40 G. 3. c. 38. (I.)
elected on the Part of Ireland to sit in the House of Commons of the United Kingdom shall be respectively the same as were then provided by Law in the Cases of Elections for Counties and Cities and Boroughs respectively in that Part of Great Britain called England, unless any other Provisions should thereafter be made in that respect by Act of Parliament of the United Kingdom, and so much of an Act of the Forty-first Year of the Reign of King George the Third,

41 G. 3. c. 101.
intituled "An Act for regulating, until the First Day of May One "thousand eight hundred and two, the Trial of controverted Elec- "tions or Returns of Members to serve in the United Parliament of "Great Britain and Ireland for that Part of the United Kingdom "called Ireland, and for regulating the Qualification of Members to "serve in the said United Parliament," as relates to the Qualifications of Members elected to serve in Parliament, shall be repealed: Provided always, that the Repeal of the said recited Acts and Parts of Acts respectively shall not be construed to revive or re-enact any Act or Part of Act heretofore repealed by any of the said Acts or Parts of Acts respectively.

Property Qualification.

A

BILL

To abolish the Property Qualifications of Members of Parliament.

(*Prepared and brought in by Mr. Locke King, Mr. Henry Gore Langton, and Mr. Cobbett.*)

Ordered, by The House of Commons, *to be Printed,* 22 *April* 1858.

[Bill 56.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act to amend the Statute Ninth George the Fourth, Chapter Thirty-one, and the Fourteenth and Fifteenth Victoria, Chapter One hundred, Section Twenty-nine.

Preamble.

WHEREAS by the Laws now in force the Abuse of any Girl above the Age of Ten Years and under the Age of Twelve Years is a Misdemeanor: And whereas it is expedient to extend such Protection to Girls above the Age of Ten Years and under the Age of Thirteen Years: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Abuse of Girls above Ten and under Thirteen a Misdemeanor.

I. That all the Provisions of the Statute Ninth George the Fourth, Chapter Thirty-one, and those of the Fourteenth and Fifteenth Victoria, Chapter One hundred, Section Twenty-nine, with respect to Girls above the Age of Ten Years and under the Age of Twelve Years, shall apply to Girls above the Age of Ten Years and under the Age of Thirteen Years.

[Bill 138.]

Protection of Female Children.

A

BILL

INTITULED

An Act to amend the Statute Ninth George the Fourth, Chapter Thirty-one, and the Fourteenth and Fifteenth Victoria, Chapter One hundred, Section Twenty-nine.

(*Brought from the Lords* 7 *June* 1858.)

Ordered by The House of Commons, *to be Printed*, 16 *June* 1858.

[Bill 138.]

Under 1 *oz.*

A

BILL

TO

Enable or facilitate Grants of Land to be made near populous Places for public Grounds for the Use and regulated Recreation of Adults, and as Playgrounds for poor Children.

WHEREAS the Want of open public Grounds for the Resort and Recreation of Adults, and of Playgrounds for Children and Youth, is much felt in the Metropolis and other populous Places within this Realm, and by reason of the great and continuous Increase of the Population and Extension of Towns such Evil is seriously increasing, and it is desirable to provide a Remedy for the same: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. Any Lands may be lawfully conveyed to Trustees, to be held by them as open public Grounds for the Resort and Recreation of Adults, and as Playgrounds for Children and Youth, or either of such Purposes. Lands may be conveyed to Trustees as public Grounds and Playgrounds.

Conveyance need not be stamped or enrolled.

II. No Conveyance for such Purpose shall require to be stamped or require to be enrolled, but a Copy thereof shall be given to the Charity Commissioners.

How Grants of Lands vested in Her Majesty, &c. may be made.

III. With respect to Lands vested in Her Majesty, Her Heirs and Successors, in right of the Crown, such Grant may be lawfully made by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, by the Direction of Her Majesty, Her Heirs or Successors, signified by Warrant under the Royal Sign Manual, and with respect to Lands Parcel of Her Majesty's Duchy or County Palatine of Lancaster, such Grant may be lawfully made under the Great Seal of the said Duchy by the like Direction, signified by like Warrant, and with respect to Lands Parcel of the Duchy of Cornwall, the same may be lawfully made under the Great Seal of the same Duchy by the like Direction of the Duke of Cornwall for the Time being, or of the Person or Persons by Law authorized and empowered to act on his Behalf, or if there shall be no Duke of the Sovereign.

How Grants of Lands belonging to Municipal Corporations may be made.

IV. With respect to Lands belonging to any Municipal Corporation, such Grant may be lawfully made by the Body Corporate, with the Consent of the Commissioners of Her Majesty's Treasury, signified by their executing the Deed of Conveyance.

How Grants of Lands belonging to Parishes may be made.

V. With respect to Lands belonging to any Parish, such Grant may and shall be made by the Trustees or Feoffees (if there shall be such), or otherwise by the Incumbent and Churchwardens of the Parish, in pursuance of a Resolution for that Purpose of the Vestry or other Body having the Management of the Affairs of such Parish, passed in Meeting duly assembled for the Purpose, and with the Approbation of the Poor Law Commissioners, in Writing, who shall certify therein that they are satisfied of the Fitness of the Appropriation, and that the same has been duly sanctioned by such Meeting duly convened, of which such Certificate shall be conclusive Evidence.

Appointment of Trustees.

VI. With respect to the Appointment of Trustees for holding any such Grounds for the Purpose aforesaid, the first Trustees shall be approved of by the said Charity Commissioners, and such Commissioners shall also approve of a Scheme for the Appointment of new Trustees from Time to Time, and if there shall be Occasion shall themselves make Orders for the Appointment of new Trustees from Time to Time.

Trustees to be a Body Corporate.

VII. Such Trustees shall in each Case be a Body Corporate for the Purpose of holding such Lands.

VIII. It

Persona Property may be given or bequeathed for the Purposes of such Grounds.

VIII. It shall be lawful for any Person to give or bequeath any Personal Property for the Purpose of defraying the Expenses of preparing, maintaining, and preserving such Grounds for the Purposes aforesaid, and ornamenting the same.

Trustees may make Byelaws.

IX. Such Trustees may, with the Assent of the said Charity Commissioners, make Byelaws, Rules, and Regulations for regulating their own Proceedings, and for the Management and Preservation of the Property vested in them.

Extent of Act.

X. This Act shall extend to England and Wales only.

Public Grounds and Playgrounds.

A

BILL

To enable or facilitate Grants of Land to be made near populous Places for public Grounds for the Use and regulated Recreation of Adults, and as Playgrounds for poor Children.

(*Prepared and brought in by Mr. Slaney and Mr. Briscoe.*)

Ordered, by The House of Commons, *to be Printed*, 20 *May* 1858.

[Bill 94.]

Under 1 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Enable or facilitate Grants of Land to be made near populous Places for public Grounds for the Use and regulated Recreation of Adults, and as Playgrounds for poor Children.

Preamble.

WHEREAS the Want of open public Grounds for the Resort and Recreation of Adults, and of Playgrounds for Children and Youth, is much felt in the Metropolis and other populous Places within this Realm, and by reason of the great and continuous Increase of the Population and Extension of Towns such Evil is seriously increasing, and it is desirable to provide a Remedy for the same: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Lands may be conveyed to Trustees as public Grounds and Playgrounds.

I. Any Lands may be lawfully conveyed to Trustees, to be held by them as open public Grounds for the Resort and Recreation of Adults, and as Playgrounds for Children and Youth, or either of such Purposes.

II. With

How Grants of Lands vested in Her Majesty, &c. may be made.

II. With respect to Lands vested in Her Majesty, Her Heirs and Successors, in right of the Crown, such Grant may be lawfully made by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, by the Direction of Her Majesty, Her Heirs or Successors, signified by Warrant under the Royal Sign Manual, and with respect to Lands Parcel of Her Majesty's Duchy or County Palatine of Lancaster, such Grant may be lawfully made under the Great Seal of the said Duchy by the like Direction, signified by like Warrant, and with respect to Lands Parcel of the Duchy of Cornwall, the same may be lawfully made under the Great Seal of the same Duchy by the like Direction of the Duke of Cornwall for the Time being, or of the Person or Persons by Law authorized and empowered to act on his Behalf, or if there shall be no Duke of the Sovereign.

How Grants of Lands belonging to Municipal Corporations may be made.

III. With respect to Lands belonging to any Municipal Corporation, such Grant may be lawfully made by the Body Corporate, with the Consent of the Commissioners of Her Majesty's Treasury, signified by their executing the Deed of Conveyance.

How Grants of Lands belonging to Parishes may be made.

IV. With respect to Lands belonging to any Parish, such Grant may and shall be made by the Trustees or Feoffees (if there shall be such), or otherwise by the Churchwardens and Overseers of the Parish, in pursuance of a Resolution for that Purpose of the Vestry or other Body having the Management of the Affairs of such Parish, passed in Meeting duly assembled for the Purpose, and with the Approbation of the Poor Law Board, to be testified by their Seal being affixed to the Deed of Conveyance.

Appointment of Trustees.

V. With respect to the Appointment of Trustees for holding any such Grounds for the Purpose aforesaid, the same shall be vested for ever thenceforth in the Churchwardens and Overseers of the Poor of the Parish, or the Overseers of the Township in which the same are situate, to be holden by them as a Body Corporate; but the Management and Direction of the same shall be and remain in such Persons as may be named in the Deed of Conveyance thereof; and in case no such Persons shall be so named, or there shall be a Failure of such Managers and Directors, the Charity Commissioners shall settle a Scheme for the Appointment of the Managers and Directors.

Personal Property may be given or bequeathed for the Purposes of such Grounds.

VI. It shall be lawful for any Person to bequeath any Personal Property for the Purpose of defraying the Expenses of purchasing, preparing, maintaining, and preserving such Grounds for the Purposes aforesaid, and ornamenting the same.

VII. The

VII. The Directors and Managers may, with the Consent of Two Justices, make Byelaws, Rules, and Regulations for the Management and Preservation of such Grounds. Directors may make Byelaws.

VIII. This Act shall extend to England and Wales only. Extent of Act.

Public Grounds and Playgrounds.

A

BILL

[AS AMENDED IN COMMITTEE]

To enable or facilitate Grants of Land to be made near populous Places for public Grounds for the Use and regulated Recreation of Adults, and as Playgrounds for poor Children.

(*Prepared and brought in by Mr. Slaney and Mr. Briscoe.*)

Ordered, by The House of Commons, *to be Printed*, 9 *June* 1858.

[Bill 117.]

Under 1 *oz.*

Public Health Act (1848) Amendment Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

1. Short Title of Act.
2. Division of Act.
3. Limits of Act.
4. Interpretation of certain Terms in this Act.
5. Construction of incorporated Acts.
6. General Board of Health continued.
7. Inspectors prohibited from taking Fees, &c.

PART I.

ADOPTION OF THE ACT.

Preliminary.

8. Definition of "Ratepayer" and "Owner."
9. Provision as to Ratepayer in Extra-parochial Place.
10. Provisions as to Corporations, &c. voting as Ratepayers.

Adoption of the Act by Places having a known and defined Boundary.

11. Power for Place to adopt Act.
12. Act to be adopted by Resolution of Council, Local Board Improvement Commissioners, or Owners and Ratepayers.
13. As to Resolution of Council, Local Board of Health, or Improvement Commissioners.
14. Application for Meeting of Ratepayers.
15. Notice of Meeting.
16. Meeting to choose Chairman.
17. Rules as to passing of Resolutions of Owners and Ratepayers.
18. Poll how taken.
19. Penalty for forging, &c. of Voting Papers.
20. Provision as to less Place included within the Limits of a greater.

Appeal against Adoption of Act.

21. Appeal against Resolution adopting Act.
22. Petition to General Board of Health.
23. Power of General Board of Health on Receipt of Petition.
24. Inspector to give Notice of Inquiry.
25. General Board of Health to make Order.

Adoption of Act by Place not having a known or defined Boundary.

26. Place with an undefined Boundary may petition to have Boundary settled.
27. Rules as to Petitions for Settlement of Boundaries.
28. Place may adopt Act when Boundary settled.
29. No Appeal by Part of Place.

General Provisions in relation to Adoption.

30. Notice of Resolution adopting Acts.
31. Act when to take effect.
32. Effect of Adoption of Act by District to which Public Health Act, 1848, has been applied.
33. Power for Place to make further Adoption.
34. Rules as to Objections.
35. Evidence.
36. Certain Costs, with Consent of Treasury, to become a Charge upon the General District Rates.

Application of Act by Parliament.

37. Power of General Board to send Inspector to a Place.
38. Inspector to give Notice of such Inquiry by Advertisement, &c.
39. Application of Act by General Board.
40. Costs of preliminary Inquiry, &c., with Consent of Treasury, to become a Charge upon the General District Rates. 11 & 12 Vict. c. 63. s. 11.

PART II.

Constitution, Proceedings, and General Powers of Local Boards of Health.

Constitution of Local Boards.

41. Local Boards of Health how constituted.
42. District may be divided into Wards.
43. Election of Members of Local Boards.

Proceedings of Local Boards—Boroughs.

44. Proceedings of Local Boards where District is a Borough.
45. District becoming a Borough.

Local Boards—Districts not being Boroughs.

46. Proceedings of Local Boards where District is not a Borough.
47. Penalty on summoning Officer or Chairman.
48. Contracts by Committee or Local Board, how to be entered into.
49. General Disqualification of Members of Local Boards.
50. Disqualification of Members of Local Boards in Districts not being Boroughs or certain Towns.
51. Penalty on disqualified Member of Local Board acting.

General Powers of Local Boards.

52. Union of adjoining Districts.
53. Petition for Incorporation of Part of an adjoining Place, or for Alteration of Local Acts, Provisional Orders, or Orders in Council.
54. Power of General Board of Health on Receipt of Petition.
55. Inspector to give Notice of Inquiry.
56. General Board of Health to prepare Order and obtain Consent of District.
57. Consents how testified.
58. Provision as to Meetings of Part of a Place.
59. General Board of Health to obtain Confirmation of Order.
60. As to Powers given by Statute to former Local Boards.
61. Power of Local Board to execute Works in adjoining Place.

PART III.

Special Powers of Local Boards of Health.

1. *Officers.*

62. Appointment of Officer.
63. Penalty upon Officers, &c. interested in Contracts or taking Fees improperly.
64. Incorporation of Sections of Commissioners Clauses Act.
65. Local Boards to provide Offices.

Sewerage.

66. Sewers, &c. vested in Local Board.
67. Powers of Local Board as to Sewerage within District.
68. Powers of Local Board both in and out of District.
69. Penalty for making unauthorized Sewers and building under Streets.
70. Use of Sewers by Persons beyond the District.
71. Local Board may cause their Sewers to communicate with Sewers out of the District.
72. Regulations as to Drains of existing Houses.
73. Regulations as to Drains of new Houses.
74. Penalty on Noncompliance with the foregoing Rules.
75. Map exhibiting System of Sewerage.

Cleansing.

76. Rules with respect to Scavenging.
77. Powers of Local Board in respect of Scavenging.
78. Penalty on unauthorized Scavenging.
79. Power of Local Board to make Byelaws.

80. Local Board may make Byelaws as to Nuisances.
81. Public Necessaries.
82. Local Board may order Waterclosets. &c. to be erected in Houses, whether built before or after the Constitution of the District.
83. Certain Waterclosets to be constructed in Factories, &c.
84. Restriction on Establishment of offensive Trades.
85. Beds of running Streams to be kept clear.

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86. Power to make Byelaws with respect to new Houses.

Streets.

87. Provisions as to Public Streets.
88. Provisions as to Streets not being Highways.
89. Penalty on displacing Stones, &c.

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90. Provisions as to Roads.
91. Power of Local Board with respect to Turnpike Roads.
92. Local Board may determine whether a Place is a Street or Road for Purposes of cleansing.

Incorporation of Provisions of Consolidation Clauses Acts, 1847, (*Police and Towns Improvement*).

93. Incorporation of Provisions of Towns Police Clauses Act, 1847.
94. Incorporation of Provisions of the Towns Improvement Clauses Act. 1847.
95. Rule as to Incorporation of Provisions in preceding Section.

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96. Power of Local Board to establish Markets and Fairs.
97. Incorporation of Provisions of the Markets and Fairs Clauses Act, 1847.

Supply of Water.

98. Provisions with respect to Supply of Water.
99. Supply of Water compulsory when it can be furnished at 3*d.* per Week.
100. Offences with respect to Water.

Lighting.

101. Regulations as to lighting.

Slaughter-houses.

102. Rules as to Slaughter-houses.

Pleasure Grounds.

103. Local Board may provide Places of Public Recreation, &c.

Baths and Wash-houses.

104. Local Board may adopt Baths and Wash-houses Act.

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General Provisions.

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105. Cellars, &c. not to be let as Dwelling Rooms, except, &c.
106. Time of Provisions coming into operation.

Expenses and Rates.

107. District Fund Account to be kept.
108. Compensation in case of Damage by Local Board.
109. Application of Penalties.
110. Rules as to Private Expenses.
111. Deductions in respect of Private Expenses.
112. Redemption of Charge for Private Expenses.
113. Charge for Supply of Water.
114. Water Rate payable in advance, &c.
115. General Expenses to be defrayed out of General District Rate.
116. Regulations as to General District Rate.
117. District may be divided.
118. Recovery of separate Rate.
119. Allowance to be made in case of new Sewer.
120. Local Board may allow Owners Time for Repayment of Expenses.

Mortgage of Rates.

121. Mortgage of Rates.
122. Public Works Loan Commission, under 14 & 15 Vict. c. 23., may make Advances.
123. Money may be borrowed at lower Rates of Interest, to pay off Securities bearing a higher Rate.
124. Power to borrow Money to pay off former Mortgages.
125. Incorporation of certain Provisions of the Commissioners Clauses Act, 1847.
126. Mortgagees not to have Priority.
127. Mortgageesmay apply for Receiver.

Audit of Accounts.

128. As to Audit of Accounts.
129. Power to Auditor to require Production of Books, &c.
130. Notice of Audit.
131. Report of Auditors.

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132. Notices by Local Board, how to be signed.
133. As to Service of Notice on Owners and Occupiers of Buildings and Lands.
134. Notice to be binding on Assigns.

Byelaws.

135. Byelaws.
136. Byelaws may be enforced by Imposition of Penalties.
137. Byelaws to be confirmed.
138. Notice of Confirmation to be given.
139. A Copy of proposed Byelaws to be open to Inspection.
140. Publication of Byelaws.
141. Evidence of Byelaws.

Legal Proceedings.

142. Rules as to Arbitrations.
143. Recovery of Penalties, &c.
144. Appeal to Quarter Sessions.
145. Court to make such Order as they think reasonable.
146. Notice of Action.
147. Tender of Amends.
148. Things required to be done by Two Justices may, in certain Cases, be done by One.
149. Justice not disqualified by being a Member of Local Board.

Reporting on Execution of Act.

150. Accounts to be transmitted to the General Board of Health.

Miscellaneous.

151. Entry upon Lands for the Purposes of this Act.
152. Power to require Gas and Water Pipes to be moved.
153. Superintending Inspectors may summon Witnesses and call for Plans, &c.
154. Penalty for obstructing Officers, defacing Boards, &c.
155. Penalty on Injury to Works, &c. of Local Board.
156. Penalty on Occupier preventing Execution of Works.
157. Persons giving false Evidence liable to Penalties of Perjury.
158. Persons acting in execution of Act not to be personally liable.
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SCHEDULE.

A

B I L L

TO

Amend the Public Health Act, 1848, and to make further Provision for Town Improvement.

WHEREAS it is expedient that further Provisions should be made for improving the Condition of Towns and populous Places in England: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say, Preamble.

Preliminary.

I. This Act may be cited for all Purposes as "The Public Health Act, 1858." Short Title of Act.

II. This Act shall be divided into Four Parts: Division of Act.

The First Part relating to the Adoption of the Act:

The Second Part relating to the Constitution, Proceedings, and general Powers of Local Boards of Health:

The Third Part relating to the special Powers of Local Boards of Health:

The Fourth Part relating to General Provisions.

III. This Act shall not extend to Scotland or Ireland, and it shall not be adopted by or applied to any Place within the Limits of the Metropolis, as defined for the Purposes of the Act of the Session holden in the Eighteenth and Nineteenth Years of Her present Majesty, intituled "An Act for the better Local Management of the Metropolis," unless the Public Health Act, 1848, has already been applied to such Place. Limits of Act.

Interpretation of certain Terms in this Act:

IV. In the Construction and for the Purposes of this Act and of the several Acts incorporated herewith (if not inconsistent with the Context or Subject Matter) the following Terms and Expressions shall have the respective Meanings herein-after assigned to them; that is to say,

"Person:" The Term "Person" and Words applying to any Individual shall apply to and include Corporations Aggregate or Sole:

"Owner:" The Term "Owner" shall mean the Person for the Time being entitled to receive the Rackrent of the Lands or Premises in connexion with which the Term is used, whether on his own Account or as Trustee or Agent for any other Person, or who would be so entitled to receive the same if such Lands or Premises were let at a Rackrent:

"Lands:" "Premises:" The Word "Lands" and the Word "Premises" shall include Messuages, Buildings, Lands, and Hereditaments, of any Tenure:

"The Treasury:" The Expression "the Treasury" shall mean the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland for the Time being:

"Borough:" The Term "Borough" shall mean any City, Borough, or Town Corporate specified in the Schedule to the Act passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty King William the Fourth, Chapter Seventy-six, and intituled "An Act to provide for the Regulation of Municipal "Corporations in England and Wales," and every Municipal Corporation in England created since the passing of that Act:

"District:" The Term "District" shall mean any Place by which this Act may be adopted, wholly or partially:

"Constitution of District:" The Term "Constitution of District" shall include the Adoption by any District of this Act or Part thereof:

"Two Justices:" The Expression "Two Justices" shall mean Two or more Justices assembled and acting together in open Court, or One Stipendiary or Police Magistrate acting in any Police Court, for the District in which the Matter or any Part of the Matter, as the Case may be, requiring the Cognizance of "Two Justices" arises:

"Court of Quarter Sessions:" The Expression "Court of Quarter Sessions" shall mean the Court of General or Quarter Sessions of the Peace held for the County, County of a Town, Riding, or Division of the County within which the District or any Part thereof is situate where the Matter requiring the Cognizance of the "Court of General or Quarter Sessions" arises, unless such District or any Part thereof shall be situate in a Borough having a separate Quarter Sessions of the Peace presided over by a Recorder, in which Case the Expression "Court of Quarter Sessions" shall mean the Court of General

General or Quarter Sessions of the Peace held for the said Borough:

"Local Officer:" Whenever the Name of any Officer or Body of Persons having local Jurisdiction in respect of his or their Office is referred to without Mention of the Locality to which the Jurisdiction extends, such Reference is to be understood to indicate the Officer or Body of Persons having Jurisdiction in that Place within which is situate the Subject Matter to which such Reference applies:

"Public Local Act:" The Expression "Public Local Act" shall mean Provisions in any Local Act (whether forming the whole or a Part thereof) having relation to any of the Purposes of this Act, and not conferring or securing Powers or Privileges upon or to Corporations, Companies, Undertakers, or Individuals for their own pecuniary Benefit:

"Private Local Act:" The Expression "Private Local Act" shall mean Provisions in any Local Act (whether forming the whole or a Part thereof) conferring or securing Power or Privileges upon or to Corporations, Companies, Undertakers, or Individuals, for their own pecuniary Benefit:

"Improvement Commissioners:" The Expression "Improvement Commissioners" shall mean the Commissioners, Trustees, or other Persons intrusted by any Local Act with Powers of cleansing, paving, or otherwise improving any Town:

"Drain:" The Term "Drain" shall mean any Drain of and used for the Drainage of One Building only, or Premises within the same Curtilage, and made merely for the Purpose of communicating therefrom with a Cesspool or other like Receptacle for Drainage, or with a Sewer into which the Drainage of Two or more Buildings or Premises occupied by different Persons is conveyed:

"Sewer:" The Term "Sewer" shall include Sewers and Drains of every Description, except Drains to which the Word "Drain" interpreted as aforesaid applies:

"Waterworks Company:" The Expression "Waterworks Company" shall include any Corporation, Person, or Company of Persons supplying or who may hereafter supply Water for their own Profit:

"Waterworks:" The Term "Waterworks" shall include Streams, Springs, Wells, Pumps, Reservoirs, Cisterns, Tanks, Aqueducts, Cuts, Sluices, Mains, Pipes, Culverts, Engines, and all Machinery, Lands, Buildings, and Things for supplying or used for supplying Water, also the Stock in Trade of any Waterworks Company:

"Slaughter-house:" The Term "Slaughter-house" shall include the Buildings and Places commonly called Slaughter-houses and Knackers Yards, and any Building or Place used in the course of a Trade or Business for slaughtering Cattle, Horses, or Animals of any Description:

"Street:" The Term "Street" shall include a Square, Circus, Crescent, Terrace, Place, Row, Mews, Alley, Court, Passage, or other like Place

Place in which the Houses on one Side or both Sides are continuous or separated only by small Intervals of Space:

"Public Street:" The Term "Public Street" shall include any Street as hereinbefore defined that is a Highway repairable at the Public Expense:

"Road:" The Term "Road" shall include all such of the following Ways as are not included in the above Definition of a Public Street, and are Highways repairable at the Public Expense; (that is to say,) all Bridges, Footways, Horseways, Driftways, Carriageways, Cartways, Churchways, and other Public Ways, with the Exception of Turnpike Roads and County Bridges, which shall not be included in such Term.

Construction of incorporated Acts.

V. In the Construction of the Acts herein-after incorporated with this Act the Expression "the Special Act" shall mean this Act as brought into operation within the District; the "Limits of the Special Act" shall mean the "Limits of the District;" "the passing of the Special Act," shall mean "the Date of the Constitution of the District as herein-after defined;" and the Local Board shall according to the Tenor of the incorporated Act be deemed to be the Promoters of the Undertaking, "Commissioners," "Town Commissioners," or "Undertakers."

General Board of Health continued.

VI. The existing General Board of Health, as constituted by the Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Ninety-five, and the Act of the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter One hundred and fifteen, and the Act of the Session holden in the Nineteenth and Twentieth Years of Her Majesty, Chapter Eighty-five, and the Act of the Session holden in the Twentieth and Twenty-first Years of Her Majesty, Chapter Thirty-eight, shall be continued for the Space of *Five* Years from the passing of this Act, and thenceforward till the End of the then next Session of Parliament, and no longer.

Penalty upon Inspector interested in Contracts or taking Fees.

VII. No Superintending Inspector employed by the General Board of Health shall in anywise be concerned or interested in any Bargain or Contract made for the Purposes of this Act; and if any such Inspector is so concerned or interested, or, under colour of his Employment, exacts, takes, or accepts any Fee or Reward whatsoever, other than his proper Salary and Allowances, he shall for each Offence incur a Penalty not exceeding *Fifty* Pounds.

PART

PART I.

Adoption of the Act.

Preliminary.

Definition of "Ratepayer."

VIII. For the Purpose of doing any Act or enjoying any Privilege within any Place, in pursuance of the Provisions herein-after contained, the Persons herein-after mentioned, and no others, shall be deemed to be Ratepayers; that is to say, Persons who are not in Receipt of Parochial Relief, and have also complied with all the following Conditions; (that is to say,)

(1.) Have been rated to the Relief of the Poor of such Place, or of some Part of such Place, for the Year immediately preceding the Time of their requiring to do such Act or to enjoy such Privilege; also,

(2.) Have paid all Sums of Money that may be due from them in respect of such Rating, as lastly herein-before mentioned, with the Exception of such Sums as may have accrued due during the *Six* Months immediately preceding the Time of their requiring to do such Act or to enjoy such Privilege; also,

(3.) In Cases where "The Public Health Act, 1848," or this Act, is in force within such Place or any Part thereof, have paid all Rates, Charges, and other Sums of Money that may be due from them by virtue of the said Acts or either of them, with the Exception of such Rates, Charges, and Sums as may have accrued due during the *Six* Months immediately preceding the Time of their requiring to do such Act or to enjoy such Privilege:

And the Persons herein-after mentioned and no others shall be deemed to be Owners; that is to say, Persons for the Time being entitled to receive the Rackrent of Lands or Premises within such Place, whether on their own Account or as Trustees or Agents for any other Person, or who would be so entitled to receive the same if such Premises were let at a Rackrent.

Provision as to Ratepayer in Extra-parochial Place.

IX. In Cases where any Person will, if this Act is adopted by any Place, be liable to contribute to any Rate levied under this Act, although he is not for the Time being liable to be assessed to any Rate for the Relief of the Poor, by reason of his Property being extra-parochial, such Person may, on making an Application to such Summoning Officer as is herein-after mentioned, and on proving such eventual Liability, be empowered to vote as a Ratepayer in respect of the Adoption of this Act, and he shall, in the event of such Adoption being made, either wholly or partially, and upon Compliance with the Provisions of the last Section, so far as the same are applicable to his Case, have as respects this Act all the Privileges of a Ratepayer.

Provisions as to Corporations, &c. voting as Ratepayers.

X. In Cases where a Corporation Aggregate, a Joint Stock or other Company, or any Body of Proprietors or Undertakers, or Trustees or Feoffees for Public or Charitable Purposes, is rated to the Relief of the Poor in respect of any Property belonging to them, such Corporation, Company, Body of Proprietors or Undertakers, or Trustees or Feoffees respectively, shall be deemed to be One Ratepayer for the Purpose of doing any Act or enjoying any Privilege under the Provisions herein contained, and may vote by Proxy, appointed in Writing under the Common Seal in case of a Corporation, or in any other Case under the Hands of Three Directors or other Persons in the Direction or Management of the Company or Concern, or by Majority of such Trustees or Feoffees; but no Member of such Corporation, nor Proprietor or Person interested in such Company or Concern, nor Member of such Body, shall be entitled to act individually as a Ratepayer in respect of such Property.

Adoption of the Act by Places having a known and defined Boundary.

Power for Place to adopt Act.

XI. Any Place, having a known or defined Boundary, may adopt this Act, either wholly or partially: Upon a partial Adoption it shall be competent for such Place to exclude any of the Provisions contained in the Third Part of this Act, but no other, subject to this Proviso, that it shall not be lawful to exclude a Portion only of the Provisions comprehended under any One Heading.

Act to be adopted by Resolution of Council, Local Board, Improvement Commissioners, or Owners and Ratepayers.

XII. The Adoption of this Act, either wholly or partially, shall be testified as follows; (that is to say,)

(1.) In Boroughs to which the Public Health Act, 1848, has not been applied, by a Resolution of the Council assembled at a Meeting held for the Purpose:

(2.) In Districts (including Boroughs) to which the Public Health Act, 1848, has been applied, by Resolution of the Local Board of Health assembled at a Meeting for the Purpose:

(3.) In Towns under the Jurisdiction of a Board of Improvement Commissioners, where all the Commissioners are elected by the Ratepayers or some Class of Electors paying Rates, or where some of them are so elected, and the Residue are Commissioners by virtue of Municipal, Parochial, or other public Offices, or of being in the Commission of the Peace, or nominated or selected from Persons so qualified, by a Resolution of such Improvement Commissioners assembled at a Meeting held for the Purpose:

(4.) In all other Places by a Resolution of the Owners and Ratepayers.

As to Resolution of Council, Local Board

XIII. No Resolution for the Adoption of this Act, either wholly or partially, passed by any Council, Local Board of Health, or Board of Improvement Commissioners, at any Meeting, shall be valid, unless

a Month's

a Month's previous Notice of such Meeting has been given in manner in which Notices of Meetings of such Council, Local Board, or Board of Commissioners are usually given, nor unless *Two Thirds* of the Members present at the Meeting concur in the Resolution for such Adoption; and it shall be lawful for the Chairman of any such Meeting, with the Consent of a Majority of the Members present, to adjourn the same from Day to Day. of Health, or Improvement Commissioners.

XIV. In Places not being Boroughs, Districts to which the Public Health Act, 1848, has been applied, or Towns under the Jurisdiction of such Improvement Commissioners, as are herein-before mentioned, the following Officers, herein-after included under the Term Summoning Officer, that is to say, the Churchwardens or One of them, or if there are no Churchwardens, the Overseers or One of them, or if there is no such Officer in any of the foregoing Places, or if he neglects, is unable, or refuses to perform the Duties hereby imposed on him any Person appointed by the General Board of Health, shall, upon an Application being made to him in Writing by any *Ten* Ratepayers of any such Place, call a Meeting of the Owners and Ratepayers of the Place, for the Purpose of taking into consideration the Adoption of this Act, either wholly or partially. Application for Meeting of Ratepayers.

XV. Upon the Receipt of such Application the Summoning Officer shall fix a Time and Place for holding such Meeting, and shall forthwith give Notice thereof, Notice of Meeting.

By Advertisement in some One or more of the Newspapers published in the County in which such Place is situate:

By causing such Notice to be affixed to the principal Doors of every Church and Chapel in the Place to which Notices are usually affixed.

XVI. The Meeting, on its assembling together, shall choose One of its Number as Chairman: The Person so chosen shall preside and regulate the Proceedings at such Meeting, and may, with the Consent of a Majority of the Persons present, adjourn the same from Day to Day. Meeting to choose Chairman.

XVII. The Chairman shall propose to the Meeting any Resolution in relation to the Adoption of the Act, and if any Amendment on such Resolution shall be moved he shall require the Owners and Ratepayers present to determine what Question shall be put, and also to decide such Question in the Affirmative or Negative: Provided that if any of such Owners and Ratepayers shall demand that such Question be decided by a Poll of the Owners and Ratepayers, such Poll shall be taken in manner herein-after provided; and if no Poll is demanded, or if the Demand for a Poll is withdrawn by the Parties making the same, a Declaration by the Chairman shall, Rules as to passing of Resolutions of Owners and Ratepayers.

in the Absence of Proof to the contrary, be sufficient Evidence of the Decision of such Meeting.

Poll how taken.

XVIII. The following Regulations shall be observed with respect to the taking of a Poll; that is to say,

(1.) The Summoning Officer shall, as soon as may be after the Meeting at which a Poll is demanded, appoint a Day or Days for taking the same, and publish such Appointment by affixing a Notice thereof to the principal Doors of every Church or Chapel within the Place to which Notices are usually affixed: He shall also cause Voting Papers to be prepared, specifying the Resolution in respect of which a Poll has been demanded:

(2.) Such Voting Papers shall be in the Form marked A. in the Schedule hereto, or in such other Form as may from Time to Time be approved by the General Board of Health:

(3.) The Summoning Officer shall, *Three* Days before the Day appointed for taking the Poll, cause a Voting Paper to be delivered by a Person appointed for the Purpose at the Address within the District of each Ratepayer, and each Owner who within a Week before that Day shall have applied to him for the same by a Claim containing his Name and Address in Writing, and a Description of the Nature of his Estate or Interest in the Property giving the Qualification, and a Statement of the Amount of all Rent, if any, which he may receive or pay in respect thereof, and of the Persons from whom he receives or to whom he pays the same; and no Corporation Aggregate, Joint Stock or other Company, Body of Proprietors, or Undertakers, or Trustees, or Feoffees, shall be entitled to vote unless their Claim contains the Name and Address of the Proxy appointed by them, and a true Copy of that Appointment:

(4.) When such Person shall be unable to deliver the Voting Paper at any Ratepayer's or Owner's Address, he shall notify on the Back thereof the Fact and Cause of the Non-delivery, and deposit the Voting Paper in a Bag to be supplied to him by the Returning Officer, and shall return the same to that Officer:

(5.) Ratepayers and Owners shall be entitled to vote according to the Scale following; (that is to say,) if the Property in respect of which the Person is entitled to vote be rated upon a rateable Value of less than Fifty Pounds he shall have *One Vote*, if such rateable Value amount to Fifty Pounds and be less than One hundred Pounds he shall have *Two* Votes, if it amount to One hundred Pounds and be less than One hundred and fifty Pounds he shall have *Three* Votes

Votes, if it amount to One hundred and fifty Pounds and be less than Two hundred Pounds he shall have *Four* Votes, if it amount to Two hundred Pounds and be less than Two hundred and fifty Pounds he shall have *Five* Votes, and if it amount to or exceed Two hundred and fifty Pounds he shall have *Six* Votes; and any Person who is Owner and also bonâ fide Occupier of the same Property shall be entitled to vote both as Owner and Ratepayer in respect of such Ownership and of such Occupation:

(6.) Each Voter shall fill up the Voting Paper by writing his Initials under the Heading "in favour of" or "against," according as he votes for or against the Resolution, and shall subscribe his Name at the Foot of the Voting Paper; and when any Person votes as a Proxy he shall in like Manner write his own Initials, and sign his own Name, and state also in Writing the Name of the Corporation, Company, or Body of Proprietors or Undertakers for which he is Proxy: Provided always, that if any Voter cannot write he shall affix his Mark at the Foot of the Voting Paper in the Presence of a Witness, who shall attest and write the Name of the Voter against the same, as well as the Initials of such Voter under the Heading "in favour" or "against," according as he votes for or against the Resolution:

(7.) The Summoning Officer shall cause the Voting Papers to be collected on the Day or Days appointed for the taking of the Poll, by Persons to be employed for the Purpose, in such Manner as he directs; but, except as herein-after mentioned, no Voting Paper shall be received unless the same has been delivered at the Address of the Voter in the District, and collected by the Persons employed for that Purpose:

(8.) If any Person qualified to vote has not received a Voting Paper, he shall, on Application to the Summoning Officer, before the Day appointed for the taking of the Poll, be entitled to receive a Voting Paper from him; and in case any Voting Paper has not been collected through the Default of the Summoning Officer, or the Person employed to collect the same, the Voter, in Person, may deliver the same to the Summoning Officer on the Day appointed for the taking of the Poll:

(9.) The Summoning Officer shall examine the Votes so delivered to him, and having ascertained their Validity shall sum up the Result; and any Resolution in favour of which a Majority of Votes has been given shall be deemed to be a Resolution of the Owners and Ratepayers of the Place:

(10.) The Summoning Officer shall publish the Result of any Poll so taken as aforesaid by affixing Notice thereof to the prin-

cipal Doors of the Churches and Chapels within the Place to which Notices are usually affixed:

(11.) The Voting Papers, together with all Documents relating to the taking of the Poll, shall be retained by the Summoning Officer for *Six* Months after the taking of the Poll, and shall be open to public Inspection at such Place as he may appoint at all reasonable Hours:

(12.) All Expenses incurred by the Summoning Officer of any Place in pursuance of this Section shall, if this Act is adopted, be paid out of the General District Rates hereinafter mentioned, but, if this Act is not adopted, be a Charge on and payable out of the Poor Rate, in the same Manner as if the same were Expenses incurred in the Relief of the Poor of such Place.

Penalty for forging, &c. of Voting Papers.

XIX. If any Person wilfully commits any of the Acts following, that is to say, fabricates, in whole or in part, alters, defaces, destroys, abstracts, or purloins any Voting Paper, or personates any Person entitled to vote in pursuance of this Act, or fasely assumes to act in the Name or on the Behalf of any Person so entitled to vote, or interrupts the Distribution of any Voting Papers, or distributes the same under a false Pretence of being lawfully authorized so to do, he shall for every such Offence be liable, on Conviction before Two Justices, to be imprisoned in the Common Gaol or House of Correction for any Period not exceeding *Three* Months, with or without Hard Labour.

Provision as to less Place included within the Limits of a greater.

XX. In Cases where any Place hereby authorized to adopt this Act includes within its Limits any less Place which, if it were not so included, would of itself be authorized to adopt this Act, such less Place shall not be entitled to adopt this Act unless the greater Place within the Limits of which it is included has refused to adopt the same, or unless it has been determined by the General Board of Health, in manner herein-after mentioned, that such less Place ought, as respects the Adoption of this Act, to be excluded from the Limits of such greater Place.

Appeal against Adoption of Act.

Appeal against Resolution adopting Act.

XXI. In Cases where a Resolution adopting this Act, wholly or partially, as aforesaid, has been passed in any Place having a known and defined Boundary, if any Number being not less than *One Tenth* of the Ratepayers of such Place are desirous that any Part of such Place should be excluded from the Operation of this Act, or of any of the adopted Provisions thereof, they may present a Petition to the General Board of Health appealing against such Resolution, and praying that such Exclusion may be made.

XXII. Such

Petition to General Board of Health.

XXII. Such Petition shall be presented to the General Board of Health within *Fourteen* Days from the Date of the passing of the Resolution appealed against, and shall state the following Things;

(1.) The Part of the Place proposed to be excluded, accompanied with an explanatory Plan; and

(2.) The Reasons for such Exclusion;

It shall be subscribed by the Ratepayers presenting the same, and the Genuineness of such Subscription, and the Truth of the Statements on the Petition, shall be proved in such Manner as the General Board directs.

Power of General Board of Health on Receipt of Petition.

XXIII. Upon the Receipt of any such Petition as aforesaid, the General Board of Health may, if they think fit, send an Inspector to the proposed District, for the Purpose of making Inquiry,

(1.) As to the Genuineness of the Petition; and

(2.) As to the Matters alleged in such Petition.

Inspector to give Notice of Inquiry.

XXIV. Before commencing such Inquiry, the Inspector shall give such Notice as the General Board of Health may direct of his Intention to make the same, and of a Time and Place at which he will be prepared to hear all Persons desirous of being heard before him upon the Subject of such Inquiry.

General Board of Health to make Order.

XXV. The General Board of Health shall make such Order as they think just with respect to the Matter in question on such Appeal, and such Order shall be binding on the Place in respect of which it is made, and there shall be stated in such Order the Time at which this Act is to come into force; and the General Board of Health may make such Order as to the Costs of such Appeal, and the Parties by whom such Costs are to be borne, as they think fit.

Adoption of Act by Place not having a known or defined Boundary.

Place with an undefined Boundary may petition to have Boundary settled.

XXVI. Any Place not having a known or defined Boundary, or any Part of a Place that has a known and defined Boundary, provided that such first-mentioned Place or such Part of a Place does not form Part of a Borough, or of a District to which the Public Health Act, 1848, has been applied, or of a Town having such a Board of Improvement Commissioners as are herein-before authorized to adopt this Act, may, in manner herein-after mentioned, petition the General Board of Health to settle its Boundary, for the Purposes of this Act.

Rules as to Petitions for Settlement of Boundaries.

XXVII. The following Rules shall be observed with respect to Petitions presented to the General Board of Health for the Settlement of Boundaries; (that is to say,)

(1.) The Petition shall state the proposed Boundaries of the Place, shall be signed by *One Tenth* of the Ratepayers resident

resident within such Boundaries, and shall be supported by such Evidence as the General Board of Health require:

(2.) Upon the Receipt of such Petition the General Board of Health may, if they think fit, send an Inspector to the Place for the Purpose of making Inquiries as to the Genuineness of the Petition, and as to the Propriety of the proposed Boundaries:

(3.) Before commencing such Inquiry the Inspector shall give such Notice as the General Board of Health direct of his Intention to make the same, and of a Time and Place at which he will be prepared to hear all Persons desirous of being heard before him on the Subject of such Inquiry:

(4.) The General Board of Health may, upon Consideration of the Matter, either dismiss the Petition altogether, or make such Order as they think fit as to the Boundaries of the Place: They may also make such Order as they think reasonable as to the Costs of the Proceedings under this Section, and the Parties by whom such Costs are to be borne.

Place may adopt Act when Boundary settled.

XXVIII. Any Place, the Boundaries of which have been settled by the General Board of Health, in pursuance of the foregoing Section, shall thenceforth for the Purposes of this Act be deemed to be a Place with a known and defined Boundary, and may adopt this Act accordingly, and for the Purpose of enabling it so to do the General Board of Health shall, by the Order settling such Boundaries, appoint a Summoning Officer, whose Duty it shall be forthwith to take all such Steps as may be necessary for convening a Meeting of the Ratepayers to adopt this Act; and if such Officer dies, becomes incapable, neglects, or refuses to perform his Duties, the General Board of Health may, on the Application of any *Four* Ratepayers, appoint another Officer in his Room.

No Appeal by Part of Place.

XXIX. No Part of a Place the Boundaries of which have been so settled as aforesaid shall appeal against the Adoption of this Act by such Place.

General Provisions in relation to Adoption.

Notice of Resolution adopting Act.

XXX. Whenever a Resolution adopting this Act, wholly or partially, has been passed in any Place, Notice thereof shall be given to the General Board of Health by the following Persons; that is to say,

In Boroughs by the Mayor:

In Districts other than Boroughs to which the Public Health Act, 1848, has been applied, by the Chairman of the Local Board of Health:

In Towns under the Jurisdiction of such Improvement Commissioners as aforesaid, by the Chairman of the Board of Commissioners:

In other Places by the Summoning Officer:

The

The Notice so sent shall be in Writing under the Hand of the Officer hereby required to give the same; and it shall be the Duty of such last-mentioned Officer to publish a Copy of such Notice in manner following; that is to say,

By Advertisement in some One or more of the Newspapers published in the County in which such Place is situate:

By causing a Copy of such Notice to be affixed to the principal Doors of every Church and Chapel in such Place to which Notices are usually affixed:

And the General Board of Health shall publish a Copy of such Notice in the London Gazette.

Act when to take effect.

XXXI. Whenever any Resolution adopting this Act, in whole or in part, has been passed in any Place, this Act, or such Provisions thereof as may have been adopted, shall, at the Expiration of *Two* Months from the Date of the passing of such Resolution, or in the event of an Appeal being made to the General Board of Health, then at such Time as may be mentioned in the Order made by the General Board of Health on such Appeal, have the Force of Law within such Place; and the Expiration of such Period of *Two* Months, or such Date as may be mentioned in the Order of the General Board of Health as the Time for this Act or the adopted Provisions thereof to come into force, shall herein-after be called the Date of the Constitution of the District: Provided that the Provisions of this Act relating to Purposes already included in any Public Local Act in force within the District, notwithstanding the Adoption of them as herein-before provided, shall not come into operation until an Order has been made and confirmed as herein-after prescribed for the future Execution, Repeal, or Alteration of the said Public Local Act.

Effect of Adoption of Act by District to which Public Health Act, 1848, has been applied.

XXXII. Whenever this Act is adopted, wholly or partially, by any District within which the Public Health Act, 1848, or any Part thereof, is in force, then, in addition to the foregoing Results, the following Consequences shall ensue; that is to say, if this Act is adopted in the whole it shall be considered as substituted for the Public Health Act, 1848, in the District, and in any Order in Council or Provisional Order applying the Public Health Act to the District; and if this Act is adopted only in part, the Provisions so adopted shall be considered as substituted for the corresponding Provisions, if any, of the said Public Health Act in the District, and in the Order in Council or Provisional Order applying the said Public Health Act to the District; but no such Substitution shall affect any Right or Liability under any existing Contract, or any Remedy for enforcing such Right or Liability.

Power for Place to make further Adoption.

XXXIII. Any Place that has adopted this Act partially may, in manner herein mentioned, at any Time or Times thereafter, adopt any Part or Parts previously excluded from Adoption.

Rules as to Objections.

XXXIV. No Objection shall be made at any Trial or in any legal Proceeding to the Validity of the Adoption of this Act, either wholly or partially, or to the Validity of any Proceedings taken in pursuance of the First Part of this Act, or to any Order made by the General Board of Health in pursuance of such First Part, or to any Proceedings upon which such Order was founded, unless the Objector has given *Fourteen* Days previous Notice to the other Parties interested in such Trial or Proceeding of his Intention to make the same, specifying fully the Nature of the Objection to be made; and no Objection whatever in respect of the Matters mentioned in this Section shall be admissible at any Trial or in any legal Proceeding after the Expiration of *Three* Calendar Months from the Date of the Constitution of the District.

Evidence.

XXXV. The Adoption of this Act shall be considered to be duly proved at any Trial or in any legal Proceeding, by a printed Paper purporting to be the London Gazette, and containing a Notice to the Effect that a Resolution adopting this Act has been passed in such Place, or by any Newspaper purporting to contain an Extract from the London Gazette to the same Effect.

Certain Costs, with Consent of Treasury, to become a Charge upon the General District Rates.

XXXVI. In Cases where this Act has been adopted, wholly or partially, by any Place, all Costs, Charges, and Expenses incurred by the General Board of Health, in relation to any such Adoption, or to any Proceedings connected therewith, or which the General Board of Health is required to take under, this Act, and not hereby otherwise provided for, shall, to such Amount as the Treasury, by Order, think proper to direct, become a Charge upon the General District Rates levied in such District under the Authority of this Act, and be repaid to the Treasury by annual Instalments not exceeding *Five*, together together with Interest, after the yearly Rate of *Five Pounds* in the Hundred, to be computed from the Date of any such last-mentioned Order, upon so much of the Principal Sum due in respect of the said Costs, Charges, and Expenses as may from Time to Time remain unpaid.

Application of Act by Parliament.

Power of General Board to send Inspector to a Place.

XXXVII. Under the following Circumstances; (that is to say,)

Where it appears from the Returns made by the Registrar General of Births, Marriages, and Deaths, or is certified under his Hand, that the Number of Deaths annually in any Place, calculated on an Average of not less than the *Seven* Years immediately preceding, have exceeded *Twenty-five* to a Thousand of the Population of such Place;

The General Board of Health may, if they in their Discretion think fit, direct a Superintending Inspector to visit such Place, for the Purpose of making public Inquiry and examining Witnesses as to the following Matters and Things, or any of them; (that is to say,)

As

As to the Sewerage, Drainage, and Supply of Water:
As to the Number and sanitary Condition of the Inhabitants:
As to any Public or Private Local Acts of Parliament in force within such Place:
As to the existing municipal, parochial, or other local Boundaries, if any, and the Boundaries which may be most advantageously adopted for the Purposes of this Act:
As to any other Matter of which the General Board may require to be informed in reference to the Application of this Act.

Inspector to give Notice of such Inquiry by Advertisement, &c.

XXXVII. Before commencing such Inquiry, the Inspector shall give not less than *Seven* Days Notice of his Intention to make the same, and of a Time and Place at which he will be prepared to hear all Persons desirous of being heard before him upon the Subject of such Inquiry, in manner following; (that is to say,)

By Advertisement in some *One* or more of the public Newspapers published in the County in which the Place to which such Inquiry relates is situate:

By causing such Notice to be affixed to the principal Doors of every Church and Chapel within the Place to which Notices are usually affixed:

And as soon as possible after the Completion of such Inquiry he shall report in Writing to the General Board, in such Manner as they may direct, upon the several Matters with respect to which he has been to inquire as aforesaid; and the General Board shall publish such Report.

Application of Act by General Board.

XXXIX. Upon the Receipt of such Report the General Board may if they think it expedient, by Provisional Order under their Seal, to be confirmed by Act of Parliament as herein-after mentioned, proceed to do the following Things:

(1.) To apply this Act or any Part thereof to such Place or to any Part thereof or to attach such Place to any adjoining District constituted under this Act, or under the Public Health Act, 1848, with the Consent of the Local Board of Health of such District:

(2.) To consolidate and extend and provide for the future Execution of any Public Local Acts that may upon the Institution of any such Inquiry as aforesaid be found to be already in force within any such Place, and to vary or repeal any Enactments therein contained, so far as may be necessary for reconciling the same with this Act:

It shall be the Duty of the General Board, as soon as conveniently may be, to take all necessary Steps for the Confirmation of such Provisional Order by Act of Parliament, and when so confirmed it shall

be deemed to be a Public General Act of Parliament, and to take effect accordingly; but previously to such Confirmation it shall not be of any Validity whatever, and the Date of the passing of any such Act of Parliament shall be deemed to be the Date of the Constitution of the District.

Costs of preliminary Inquiry, &c., with Consent of Treasury, to become a Charge upon the General District Rates. 11 & 12 Vict. c. 63. s. 11.

XL. After the passing of any Act of Parliament confirming any Provisional Order by which this Act is applied to any District, the Costs, Charges, and Expenses incurred by or under the Direction of the said General Board in relation to any such Application as aforesaid shall, to such Amount as the Treasury think proper to direct, become a Charge upon the General District Rates levied in such District under the Authority of this Act, and be repaid to the Treasury by annual Instalments not exceeding *Five*, together with Interest after the yearly Rate of *Five Pounds* in the Hundred, to be computed from the Date of any such last-mentioned Order upon so much of the Principal Sum due in respect of the said Costs, Charges, and Expenses as may from Time to Time remain unpaid.

PART II.

Constitution, Proceedings, and General Powers of Local Boards of Health.

Constitution of Local Boards.

Local Boards of Health how constituted.

XLI. Upon the Constitution of any District, the Duty of carrying into execution this Act, or such Provisions thereof as may be in force within such District, shall be vested in the Local Board of Health herein-after called the Local Board; and such Local Board shall be constituted as follows; (that is to say,)

(1.) In Boroughs, the Mayor, Aldermen, and Burgesses acting by the Council shall be the Local Board:

(2.) In Districts within which the Public Health Act, 1848, is in force, the existing Local Board of Health shall be the Local Board, and shall continue to be constituted and elected as heretofore:

(3.) In Towns under the Jurisdiction of a Board of Improvement Commissioners, where all the Commissioners are elected by the Ratepayers, or some Class of Electors paying Rates, or where some of them are so elected and the Residue are Commissioners by virtue of Municipal, Parochial, or other public Offices, or of being in the Commission of the Peace, or nominated or selected from Persons so qualified, such Improvement Commissioners shall be the Local Board, and shall continue to be constituted and elected as heretofore:

(4.) In

(4.) In other Places the Local Board shall consist of such Number of elective Members as may be determined by a Resolution of the Owners and Ratepayers, passed in manner in which Resolutions for the Adoption of this Act are herein-before directed to be passed, at any Meeting held for the Purpose of adopting this Act, or at any Meeting to be summoned by the Summoning Officer for that Purpose, subject to the Provision that such Number shall not be in any Case less than *Nine* or more than *Eighteen;* and that no Person shall be qualified to be a Member of such Local Board unless he is at the Time of this Election, and so long as he shall continue in Office by virtue of such Election, resident within the District for which or for Part of which he is elected, or within *Seven* Miles thereof, or unless he is seised or possessed of Real or Personal Estate, or both, to the Value of not less than *Five* hundred Pounds, or rated to the Relief of the Poor of such District, or of some Parish within the same, upon an annual Value of not less than *Fifteen* Pounds: Provided, that if Two or more Persons be jointly seised or possessed of Real or Personal Estate or both, of such Value or Amount as would, if equally divided between them, qualify each to be elected, or if Two or more Persons be jointly rated in respect of any Property which, if equally divided between them, would qualify each to be so elected, each of the Persons so jointly seised, possessed, or rated may be elected; but the Property shall not at the same Time qualify the Owner and the Occupier thereof.

District may be divided into Wards.

XLII. The Owners and Ratepayers of any such Places as are lastly herein-before mentioned, assembled at any such Meeting as is referred to in the preceding Section, may, by Resolution passed in manner therein provided, but subject to the Approval of the General Board of Health, divide their District into separate Wards, and declare what Proportion of the Members of the Local Board is to be elected by each Ward; and if any Member be elected in more than One Ward, he shall, within *Three* Days Notice thereof, choose, or, in default of his choosing, the Local Board at their next Meeting shall decide for which One of the Wards the Member shall serve, and he shall thereupon be held to be elected in that Ward only, and a Vacancy shall be held to exist on account of the other Ward or Wards.

Election of Members of Local Boards.

XLIII. In any District not consisting of a Borough, District to which the Public Health Act, 1848, has been applied, or Town under the Jurisdiction of such Improvement Commissioners as aforesaid,

the following Rules shall be observed with respect to the Election of the Local Board of such District; that is to say,

(1.) The Summoning Officer shall be the Returning Officer of the First Election of a Local Board, and at all subsequent Elections of such Board the Chairman of the Local Board for the Time being shall be such Returning Officer:

(2.) In case of their being no such Returning Officer, or of the Death, Inability or Refusal to act of any Returning Officer of any such First Meeting as aforesaid, the General Board of Health may, upon the Application of any *Five* Ratepayers of the District, and on due Proof made to them of the Facts, appoint any other Person to conduct such First Election; and in case of the Death, Inability, or Refusal to act of any Chairman for the Time being of the Local Board, the Local Board of Health shall appoint some other Member of their Board to conduct in his Stead any subsequent Election:

(3.) The First Nomination of Members of the Local Board shall take place on such Day after the Date of the Constitution of the District as the Returning Officer may appoint:

(4.) All Nominations of Members of Local Boards subsequent to the First Nomination shall take place on the Day previous to the Day herein-after appointed for the Retirement of Members of Local Boards, except in the Case of casual Vacancies, when the Nomination of Members to fill up such Vacancies shall take place on a Day to be fixed by the Returning Officer, after Notice herein-after provided:

(5.) On every Occasion of the Nomination of Members of Local Boards, the Returning Officer shall convene a Meeting of the Owners and Ratepayers for the Purpose of such Nomination, and shall give Notice of such Meeting.

(*a*) By Advertisement in some One or more of the Newspapers published in the County in which the District is situate:

(*b*) By causing a Copy of such Notice to be affixed to the principal Doors of every Church and Chapel to which Notices are usually affixed within the District:

(6.) The Returning Officer shall preside and regulate the Proceedings at such Meeting

(7.) At any such Meeting as aforesaid any qualified Person may, if he consents thereto, be nominated by any Owner or Ratepayer, and seconded by any other Owner or Ratepayer, as a Member of the Local Board of Health:

(8.) If more qualified Candidates are proposed than the Number to be elected, a Poll may be demanded, and shall be taken in

in manner herein-after mentioned; but if not, or if no Poll is demanded, a Declaration by the Chairman that the Candidates are elected Members of the Local Board of Health shall, in the Absence of Proof to the contrary, be sufficient Evidence of the Fact.

(9.) A Poll for the Election of Members of Local Boards shall be conducted in manner herein-before provided in the Case of a Poll in respect of the Adoption of this Act, and all Provisions herein-before contained in relation to such last-mentioned Poll shall, as nearly as Circumstances permit, be applicable to any Poll taken in pursuance of this Section, with these Qualifications, that the Voting Papers shall specify the Names and Addresses of the Candidates nominated, and shall be in or to the Effect of the Form marked B. in the Schedule hereto, or in such other Form as may be approved by the General Board of Health; that the Returning Officer shall be considered as substituted for the Summoning Officer; that the Voting Papers and all other Documents relating to the taking of the Poll shall be open to Inspection at the Office of the Local Board of Health; and that all Expenses incurred in taking such Poll shall in all Cases be payable out of the General District Rates herein-after mentioned:

(10.) If any Person nominated, or any Person on his Behalf, give Notice in Writing to the Returning Officer, before the Delivery or Collection of the Voting Papers, of an Intention to send some Agent to accompany the Deliverer or Collector of the Papers, the Returning Officer shall make his Arrangements so as to enable the Person appointed by him to be so accompanied; provided that no such Agent shall interfere in any respect in the Delivery or Collection of the Voting Papers.

(11.) The Elective Members of any Local Board shall, as soon as conveniently may be after their First Election, be divided by Ballot into Three Classes, each Class to be as nearly as may be equal in Numbers; and the Offices of the First Class shall be vacated on the Day after the Expiration of the First Year from the Date of their Election, the Offices of the Second Class shall be vacated on the Day after the Expiration of the Second Year from such Date as aforesaid, and the Offices of the Third Class shall be vacated on the Day after the Expiration of the Third Year from such Date as aforesaid; all Members chosen to fill the vacated Offices shall hold their Offices for the Term of *Three* Years, and no longer; and in every Instance the Offices of retiring

Members shall be supplied by an equal Number of newly elected Members:

(12.) If from any Cause no Nomination is made on the appointed Day, the Meeting shall stand adjourned until the same Day of the following Week, and so from Time to Time until an Election is made:

(13.) The Members who would upon the appointed Day have retired shall continue Members until others are appointed in their Stead:

(14.) A Member of a Local Board of Health may resign, on giving to the Board *One Month's* previous Notice in Writing of his Intention so to do:

(15.) Any casual Vacancy occurring by Death, Resignation, Disqualification, or otherwise in the Local Board may be filled up within One Month by the Local Board out of qualified Persons, but the Member so chosen shall retain his Office so long only as the vacating Member would have retained the same if no Vacancy had occurred:

(16.) Any Person on ceasing to be a Member shall be re-eligible.

Proceedings of Local Boards—Boroughs.

Proceedings of Local Boards where a District is a Borough.

XLIV. In any District being a Borough, the following Things shall be done:

(1.) The Council acting as the Local Board shall, unless otherwise authorized or required by Act of Parliament, use the Common Seal of the Borough in all Cases where a Local Board is by this Act authorized or required to use a Common Seal:

(2.) The Council acting as the Local Board shall exercise all the Powers, Authorities, and Duties of such Local Board, shall hold Meetings, appoint Committees, and conduct all their Proceedings according to the Laws for the Time being in force with respect to Municipal Corporations in England and Wales.

District becoming a Borough.

XLV. If any District is afterwards incorporated as a Borough, or wholly comprised within the Limits of a Borough, all Powers, Rights, and Obligations hereby vested in or imposed on the Local Board shall thereupon be transferred to the Council of such Borough, and shall be exercised in the same Manner as if such District had originally been a Borough by which such Adoption had been made.

Local Boards—Districts not being Boroughs.

Proceedings of Local Boards.

XLVI. In any District not being a Borough, the following Rules shall be observed with respect to the Local Board of such District:

(1.) The

where District is not a Borough.

(1.) The Body herein-before constituted the Local Board shall for the Purposes of this Act be deemed to be a Body Corporate by the Name of the Board of Health, with perpetual Succession and a Common Seal, having a Capacity to accept Grants of and to purchase, take upon Lease, sell or exchange, and hold Lands, subject to the Provisions of this Act; and for this Purpose the Lands Clauses Consolidation Act, 1845, except the Parts and Enactments of that Act with respect to the Purchase and taking of Lands otherwise than by Agreement, and with respect to Lands acquired by the Promoters of the Undertaking, but which shall not be wanted for the Purposes thereof, and with respect to the Recovery of Forfeitures, Penalties, and Costs, shall, in so far as the same is consistent with this Act, be incorporated with this Act:

(2.) During any Vacancy in the Local Board the continuing Members, if not less than *Three* in Number, may act as if no Vacancy had occurred:

(3.) The Local Board shall meet together for the Dispatch of Business, and shall from Time to Time make such Regulations with respect to the Summoning, Notice, Place, Management, and Adjournment of such Meetings, and generally with respect to the Transaction and Management of Business, as they think fit, subject to the following Conditions:

(1.) A Meeting shall be held once at least in every Month; but it shall not be lawful to hold the same at any Inn or other Place where Spirituous Liquors are sold:

(2.) No Business shall be transacted at any Meeting unless at least *Three* Members are present at the Commencement and Close of such Business:

(3.) All Questions shall be decided by a Majority of Votes:

(4.) The Names of the Members present, as well as of those voting respectively for and against each Question, shall be recorded:

(5.) In the Case of Districts not consisting of Districts constituted under the Public Health Act, 1848, or of Towns under the Jurisdiction of such Improvement Commissioners as aforesaid, the First Meeting shall be held on such Day, not more than *Ten* Days after the Election of the Local Board, and at such Place as the Returning Officer may, by Notice sent by Post or delivered to each Member of such Board, appoint:

(4.) The Local Board shall in every Year appoint One of their Number to be Chairman for the Year following such Choice,

and shall also, if they think fit, choose another of their Number to act as Deputy Chairman for the same Period; and in case of an Equality of Votes at any Meeting the Chairman for the Time being, or in his Absence the Deputy Chairman, shall have a Second or Casting Vote:

(5.) If the Chairman or Deputy Chairman dies, or resigns, or ceases to be a Member of the Local Board, or otherwise becomes disqualified to act, the Members present at the Meeting next after the Occurrence of such Vacancy shall choose some other of their Number to fill such Vacancy; and every such Chairman or Deputy Chairman so elected as last aforesaid shall continue in Office so long only as the Person in whose Place he may be so elected would have been entitled to continue if such Death, Resignation, Removal, or Disqualification had not happened:

(6.) If at any Meeting neither the Chairman nor Deputy Chairman is present at the Time appointed for holding the same, the Members present shall choose some One of their Number to be Chairman of such Meeting:

(7.) A Local Board may appoint One or more Committees, consisting of such Number of Members as they think fit, and they may grant to such Committees respectively Power on behalf of the Local Board to do any Acts which the Local Board could lawfully do, and which they may from Time to Time think proper to intrust to them:

(8.) A Committee at their First Meeting after their Appointment shall appoint One of their Number to be Chairman during their Continuance, and in the event of any Vacancy occurring in the Office of Chairman shall fill up the same by electing some other Member of such Committee:

(9.) If at any Meeting of the Committee the Chairman is not present at the Time appointed for holding the same, the Members present shall choose One of their Number to be Chairman of such Meeting:

(10.) The said Committee may meet from Time to Time, and may adjourn from Place to Place, as they think proper, for carrying into effect the Purposes of their Appointment; but no such Committee shall exercise the Powers intrusted to them, except at a Meeting at which there is present a Quorum to be fixed for that Purpose by the Local Board; and all Questions at any Meeting of the Committee shall be determined by a Majority of Votes of the Members present, and in case of an equal Division of Votes the shall have a Second or Casting Vote:

(11.) The

(11.) The Local Board shall, except in Cases where such Board is already provided therewith, provide a Common Seal, and in all Cases the Custody of such Seal, and the Power to use the same on behalf of the Local Board, shall be vested in such Person or Persons as the Local Board may from Time to Time appoint:

(12.) The Local Board shall cause Notes, Minutes, or Copies, as the Case may require, of all Appointments made or Contracts entered into by them, and of the Orders and Proceedings of all their Meetings, and of the Meetings of Committees of the Local Board, to be duly entered in Books to be from Time to Time provided for the Purpose, and be kept under the Superintendence of the Local Board; and every such Entry shall be signed by the Chairman of such Meeting or Committee; and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened or held, or of the Persons making or entering such Orders or Proceedings being Members of the Local Board or Committee respectively, or of the Signature of the Chairman, or of the Fact of his having been Chairman, and all such last-mentioned Matters shall be presumed until the contrary is proved:

(13.) All Acts done by any Meeting of the Local Board or of any such Committee as aforesaid, or by any Person acting as a Member of a Local Board, shall, notwithstanding it may be afterwards discovered that there was some Defect in the Appointment of any such Local Board or Persons acting as aforesaid, or that they or any of them were or was disqualified, be as valid as if every such Person had been duly appointed and was qualified to be a Member.

Penalty on Summoning Officer or Chairman.

XLVII. If any Summoning Officer or Returning Officer wilfully makes default in performing any Duties hereby imposed on him, the Offender shall for each Offence incur a Penalty not exceeding *Fifty Pounds*, but no Default or Neglect in the Distribution or Collection of any Voting Papers, or in the Publication of the Result of any Poll, shall invalidate any Poll taken in pursuance of this Act.

Contracts by Committee or Local Board, how to be entered into.

XLVIII. The Power which may be granted to any Committee appointed by the Local Board to make Contracts, as well as the Power of the Local Board to make Contracts, may lawfully be exercised as follows; (that is to say,)

With respect to any Contract which, if made between private Persons, would be by Law required to be in Writing and under

Seal, such Committee or the Local Board may make such Contract in Writing and under their Common Seal, and in the same Manner may vary or discharge the same:

With respect to any Contract which, if made between private Persons, would be by Law required to be in Writing, and signed by the Parties to be charged therewith, then such Committee or the Local Board may make such Contract in Writing, signed by such Committee or any Two of them, or any Two of the Local Board, and in the same Manner may vary or discharge the same:

With respect to any Contract which, if made between private Persons, would by Law be valid although made by Parol only, and not reduced into Writing, such Committee or the Local Board may make such Contract by Parol only, without Writing, and in the same Manner may vary or discharge the same:

And all Contracts made according to the Provisions herein contained shall be effectual in Law, and shall be binding upon the Local Board and their Successors, and all other Parties thereto, their Heirs, Executors, or Administrators, as the Case may be.

General Disqualification of Members of Local Boards.

XLIX. In any District if a Member of the Local Board,

(1.) Holds any Office or Place of Profit under the Local Board of which he is a Member; or

(2.) Participates in the Profits of any Work done by the Order of the Local Board; or

(3.) Is concerned in or participates in the Profits of any Contract entered into by the Local Board,

Such Person shall cease to be a Member of the Local Board, and his Office shall thereupon become vacant, subject to the Exceptions following; (that is to say,)

(1.) No Member of a Local Board shall vacate his Office by reason of his being a Shareholder in any Company supplying Water or Gas by Order of the Local Board:

(2.) No Member of a Local Board shall vacate his Office by reason of his being interested in any Sale or Lease of any Lands, or any Loan of Money to the Local Board, or in any Sale or Lease of Sewage from any Local Board:

Nevertheless, no Member of a Local Board shall, except with the Sanction of the General Board of Health, who shall have Power to dispense with the ensuing Prohibition, be entitled to vote in respect of any Supply of Water or Gas by any Company in which he is a Shareholder, or in respect of any Question connected therewith, or in respect of any such Sale, Lease, or Loan, as lastly herein-before mentioned, and if he does so vote his Vote shall not be counted, and he shall incur a Penalty not exceeding *Twenty Pounds*.

L. In

Disqualification of Members of Local Boards in Districts not being Boroughs or certain Towns.

L. In any District not consisting of a Borough or Town under the Jurisdiction of such Improvement Commissioners as aforesaid,

If a Member of the Local Board does any of the following Things:

(1.) Absents himself during *Three* successive Months from all Meetings of the Board, except from Illness or other Cause, to be approved by the Board; or

(2.) Is adjudged bankrupt, or applies to take the Benefit of any Act for the Relief or Protection of Insolvent Debtors, or compounds with his Creditors,

Such Person shall cease to be a Member of the Local Board, and his Office shall thereupon be vacant.

Penalty on disqualified Member of Local Board acting.

LI. Any Person who acts as Member of the Local Board, without being duly qualified, or after he has become disqualified, shall incur a Penalty not exceeding *Fifty Pounds;* and in any Proceeding for the Recovery of such Penalty the Burden of proving Qualification shall be upon the Person against whom such Proceeding is taken; nevertheless all Acts and Proceedings of any Person who so acted illegally as aforesaid, if done previously to the Recovery of such Penalty as aforesaid, shall be valid to all Intents.

General Powers of Local Boards.

Union of adjoining Districts.

LII. Adjoining Districts may unite together upon such Terms and subject to such Conditions as the respective Local Boards of such Districts may, with the Sanction of the General Board of Health, determine.

Petition for Incorporation of Part of an adjoining Place, or for Repeal of Local Acts.

LIII. Whenever it appears to the Local Board of any District desirable that both or One of the following Things should be done, that is to say,

(1.) That any Portion of any adjoining Place should be incorporated with the District, or that any Part of such District should be separated therefrom;

(2.) That Provision should be made for the future Execution of any Public Local Acts in force within such District, and having relation to the Purposes of this Act, or that any such Acts or any Provisional Order or Order in Council applying the Public Health Act, 1848, should be repealed or altered,

They may present a Petition to the General Board of Health, praying for such Incorporation, Separation, Provision, Repeal, and Alteration as aforesaid, or for any of such Things, and such Petition shall be supported by such Evidence as the General Board of Health requires.

Power of General Board of

LIV. Upon the Receipt of any such Petition the General Board of Health shall take the same into consideration, and they may either

Health on Receipt of Petition.

either dismiss such Petition, or they may, if they think fit, send an Inspector to the proposed District for the Purpose of making Inquiry in respect of the several Matters mentioned in the Petition.

Inspector to give Notice of Inqniry.

LV. Before commencing such Inquiry, the Inspector shall give such Notice as the General Board of Health directs of his Intention to make the same, and of a Time and Place at which he will be prepared to hear all Persons desirous of being heard before him upon the Subject of such Inquiry.

General Board of Health to issue Order and obtain Consent of District.

LVI. The General Board of Health may, if they think fit, issue a Provisional Order under the Hand of the President of the General Board, or any Two or more of the Members of such Board, and to be sealed or stamped with the Seal of the General Board of Health, in relation to the several Things mentioned in the Petition, and either in accordance with the Prayer thereof, or with such Modifications as may be requisite; and when the Order provides for the Incorporation of any Place with the District, or the Separation of any Part from the District, they shall direct an Inspector to proceed to the District, for the Purpose of obtaining the Consent to such Order of the Place to be incorporated, or the Part to be separated, and also, if such Order is not in accordance with the Petition, the Consent of the petitioning District.

Consents how testified.

LVII. The Consent of the petitioning District to such Order shall be testified by a Resolution of the Local Board of such District, and the Consent of any Part or Place by a Resolution passed by a Majority of the Ratepayers resident in any such Part or Place, and assembled at a Meeting convened for the Purpose; and the Inspector shall, for the Purpose of obtaining such Consents, have Power to convene Meetings of the Local Board of any District, or Meetings of the Ratepayers of any Part or Place, and to do all such Matters and Things as may be expedient for that Purpose.

Provision as to Meetings of Part or Place.

LVIII. In the Case of a Meeting of the Ratepayers of any Part or Place the Ratepayers present shall elect a Chairman; and a Declaration by the Chairman that the Opinion of the Meeting is in favour or against any Resolution, as the Case may be, shall, in the Absence of Proof to the contrary, be sufficient Evidence that the Resolution is passed. The Inspector shall have Power to attend any such Meeting.

General Board of Health to obtain Confirmation of Order.

LIX. Whenever such Consents as aforesaid have been given to any such Order as herein-before mentioned, the General Board of Health shall, as soon as conveniently may be, take all necessary Steps for the Confirmation thereof by Act of Parliament; but previously to such Confirmation, it shall not be of any Validity whatever.

LX. Every

As to Powers given by Statute to former Local Boards.

LX. Every Local Board constituted under this Act, or adopting this Act or Part thereof, may exercise all such Powers and Privileges, and shall be subject to all such Obligations, as are exerciseable by or imposed on Local Boards of Health constituted under the Public Health Act, 1848, by any Act other than such last-mentioned Act.

Power of Local Board to execute Works in adjoining Place.

LXI. Every Local Board may, with the Consent of any adjoining Place, do and execute in such adjoining Place, or in any Part thereof, all or any of such Works or Things as such Local Board may do and execute within their own District, and upon such Terms as to Payment or otherwise as may be agreed upon between such Local Board and such Place, and any Sums agreed to be paid by such Place in pursuance of this Section shall be a charge upon and payable out of the Poor Rates of such Place, and shall be raiseable accordingly as if the same were Expenses legally incurred in the Relief of the Poor of such Place; and the Consent or Agreement of any Place to any Work or Thing shall be signified in the same Manner as the Consent of such Place to the Adoption of this Act is herein-before required to be signified.

PART III.

Special Powers of Local Boards of Health.

1. *Officers.*

Appointment of Officers.

LXII. The Local Board shall have Power to do the following Things:

(1.) To appoint a fit and proper Person to be and to be called the Officer of Health:

(2.) To appoint fit and proper Persons to be Surveyor, Inspector of Nuisances, Clerk, and Treasurer, for the Purposes of this Act, together with such Collectors and other Officers and Servants as may be necessary for the efficient Execution of this Acts:

(3.) To make Regulations for ordering the Duties and Conduct of the several Officers and Servants so appointed or employed:

(4.) To pay, out of the General District Rates to be levied under this Act, to such Officer of Health and other Officers and Servants, such reasonable Salaries, Wages, or Allowances as the said Local Board think proper:

(5.) To remove, at their Pleasure, the Officer of Health and every other Officer and Servant so appointed:

Subject nevertheless to the following Regulations:

(1.) That the Appointment and Removal of the Officer of Health shall be subject to the Approval of the General Board of Health:

(2.) That the same Person may be Officer of Health for Two or more Districts:

(3.) That the same Person may be both Surveyor and Inspector of Nuisances:

(4.) That neither the Person holding the Office of Treasurer nor his Partner, nor any Person in the Service or Employ of them or either of them, shall hold, be eligible to, or shall in any Manner assist or officiate in the Office of Clerk:

(5.) That neither the Person holding the Office of Clerk nor his Partner, nor any Person in the Service or Employ of them or either of them, shall hold, be eligible to, or shall in any Manner assist or officiate in the Office of Treasurer:

And if any Person hereby prohibited holds or in any Manner assists or officiates in the Office of Clerk or Treasurer he shall incur a Penalty not exceeding *One hundred Pounds.*

Penalty upon Officers, &c. interested in Contracts or taking Fees improperly.

LXIII. No Officer or Servant employed by any Local Board shall in anywise be concerned or interested in any Bargain or Contract made with such Board for the Purposes of this Act; and if any such Officer or Servant is so concerned or interested, or, under colour of his Office or Employment, exacts, takes, or accepts any Fee or Reward whatsoever, other than his proper Salary, Wages, and Allowances, he shall be incapable of afterwards holding or continuing in any Office or Employment under this Act, and shall for each Offence incur a Penalty not exceeding *Fifty Pounds.*

Incorporation of Commissioners Clauses Act.

LXIV. The Provisions of "The Commissioners Clauses Act, 1847," with respect to the Accountability of Officers, contained in the Sections numbered from 67 to 74, both inclusive, shall be incorporated with and form Part of this Act, and shall apply to Officers appointed by any Local Board.

Local Boards to provide Offices.

LXV. The Local Board shall from Time to Time provide and maintain such Offices as may be necessary for transacting their Business under this Act.

Sewerage.

Sewers, &c. vested in Local Board.

LXVI. All existing and future Sewers within their District, together with all Buildings, Works, Materials, and Things belonging or appertaining thereto,

(1.) Except Sewers made by any Person for his own Profit or Use, or by any Company for the Profit of the Shareholders; and

(2.) Except Sewers made and used for the Purpose of draining, irrigating, or otherwise improving Land under any Local or Private Act of Parliament; and

(3.) Except

(3.) Except Sewers under the Authority of any Commissioners of Sewers appointed by the Crown,

Shall vest in and be under the Control of the Local Board.

Powers of Local Board as to Sewerage within District.

LXVII. The Local Board shall cause their District to be effectually drained; and for the Purpose of such Drainage they shall have Power within such District from Time to Time to do any of the following Things; that is to say,

(1.) To repair, arch over, enlarge, lessen, or otherwise alter any existing Sewer or Drain:

(2.) To construct any new Sewer or Drain, with a like Power of repairing and altering the same:

(3.) To discontinue, close up, or destroy any Sewer or Drain:

(4.) To carry any Sewer, Drain, or Pipe for the Distribution of Sewage through, across, or under any Turnpike or other Road, or County Bridge, or any Street or Place laid out as or intended for a Street, or any Cellar or Vault which may be under the Pavement or Carriageway of any Street or intended Street, subject to the Condition of making good all Damage done by them; or if it is deemed necessary by the Surveyor of the Local Board into, under, or through any Lands whatever, subject to the Condition of making due Compensation to Owners and Occupiers for any Damage they may sustain thereby:

(5.) To purchase any Sewers within their District, or the Rights vested in any Person for making these Sewers, or to contract for the Use of these Sewers; and any Person having such Sewers or Rights may sell or otherwise contract for the same with the Local Board; and in case of any such Sale the Purchase Money shall be settled and applied to the same Uses and Trusts to which the Property purchased was subject at the Time of the Sale:

Subject nevertheless, in the Exercise of such Powers, to the Restrictions herein-after mentioned; that is to say,

(1.) All Sewers, Drains, and Pipes shall be so constructed and kept as not to create a Nuisance or be injurious to Health:

(2.) If by the Exercise of any of the above Powers any Person is deprived of the lawful Use of any Sewer or Drain, the Local Board shall provide for his Use some other Sewer or Drain as effectual as that of the Use of which he is so deprived:

(3.) Any Person having a perpetual Right to the Use of any Sewer purchased by a Local Board may use the same or

any Sewer substituted for it as fully as if the Sale had not taken place.

Powers of Local Board both in and out of District.

LXVIII. Every Local Board shall have Power, upon making due Compensation, to do the following Things, either within or without their District; that is to say,

(1.) To construct, either above or under Ground, such Reservoirs and other Works as may be necessary for holding the Sewage flowing from the Sewers of their District, or to provide Outfalls for the same:

(2.) To cause the Sewers of their District to empty into such Reservoirs or Outfalls by means of connecting Sewers or such other Means as they think fit:

(3.) To contract with any Company or Person for the Sale or Lease of such Sewage, or for the Distribution of it over any Land; and any Company or Person with whom the Local Board may so contract shall have Power within such Limits, either in or out of the District, as may be approved by the General Board of Health, to carry any Pipe for the Distribution of Sewage through, across, or under any public Street or Turnpike or other Road or County Bridge, subject to the Condition of making good all Damage done by them:

(4.) To contract for, purchase, or take on Lease any Buildings, Engines, Materials, or Apparatus for the Purpose of receiving, storing, disinfecting, or distributing any such Sewage, and to lease or assign such Buildings, Engines, Materials, or Apparatus to any Company or Person with whom the said Local Board may so contract as aforesaid:

(5.) To purchase or take on Lease any Land where such Purchase or leasing is necessary for carrying into execution the above Objects; but nothing herein contained shall prejudice the Right herein-before given to Local Boards with respect to the Power of making and carrying Sewers, Drains, and Pipes, for the Distribution of Sewage within their District.

Penalty for making unauthorized Sewers and building under Streets.

LXIX. No Person shall, without the Consent of the Local Board, do the following Things, or any of them:

(1.) Cause any Sewer or Drain to communicate with or to be emptied into any Sewer of the Local Board:

(2.) Cause any Vault, Arch, or Cellar to be newly built or constructed under any public Street:

And any Person offending against this Enactment shall incur a Penalty not exceeding *Five Pounds*, and a further Penalty of *Forty Shillings*.

Shillings for every Day during which the Offence is continued; and if any Sewer, Drain, Vault, Arch, or Cellar is made in contravention of this Enactment the Local Board may cause the same to be pulled down, or otherwise dealt with as they think fit, and the Expenses incurred by them in so doing shall be repaid to them by the Offender, and be recoverable from him in a summary Manner.

Use of Sewers by Persons beyond the District.

LXX. Any Owner or Occupier of Premises adjoining any District may, with the Consent of the Local Board, cause any Sewer or Drain from such Premises to communicate with any Sewer of the Local Board, upon such Conditions as may be agreed upon between such Owner and Occupier and such Local Board, and in case of Dispute as to the Conditions, such Disputes shall be settled by Arbitration in the Manner provided by this Act.

Local Board may cause their Sewers to communicate with Sewers out of the District.

LXXI. The Local Board may cause the Drains or Sewers vested in them to communicate with Sewers out of the District by Agreement with the Persons having the Control of such Sewers.

Regulations as to Drains of existing Houses.

LXXII. Whenever it appears to the Local Board that any House or other Building, built before the Date of the Constitution of the District, is without any Drain, or without a Drain and Outfall sufficient for effectual Drainage, the Local Board may by Notice require the Owner of such House or Building, within a reasonable Time therein specified, to make a sufficient Drain of a Construction approved by the Local Board, emptying as follows; that is to say, if the Sea or a Sewer of the Local Board, or any Sewer which they are entitled to use, is within One hundred Feet of the Site of such House or Building, emptying, as the Local Board may direct, either into the Sea or such Sewer; but if no such Means of Drainage are within that Distance, then emptying into such covered Cesspool or other Place, not being under any House, and not being within such Distance from any House, as the Local Board directs; and if the Person on whom such Notice is served fails to comply with the same, the Local Board may themselves do the Work required, and the Expenses incurred by them in so doing may be recovered from such Owner in a summary Manner, or may, by Order of the Local Board, be declared to be private Expenses, and be dealt with accordingly.

Regulations as to Drains of new Houses.

LXXIII. The following Rules shall be observed with respect to Drains of Houses and Buildings built after the Date of the Constitution of the District:

(1.) The Drains of every such new House or Building as aforesaid shall be covered in, and be of such Size and Materials, at such Level, and with such Fall, as may be effectual, in the

Opinion of the Surveyor of the Local Board, to secure a proper Drainage of such House or Building and its Appurtenances:

(2.) If the Sea, or a Sewer of the Local Board, or a Sewer which they are entitled to use, is within One hundred Feet of any Part of the Site of such new House or Building, the Drains so to be constructed shall communicate with such one of those Means of Drainage as the Local Board directs:

(3.) If no such Means of Drainage are within that Distance, then the last-mentioned Drains shall communicate with and be emptied into such covered Cesspool or other Place, not being under any House, and not being within such Distance from any House, as the said Local Board directs:

(4.) Whenever any House or Building built before the Date of the Constitution of the District is pulled down to or below the Ground Floor, the Drains of such House or Building shall be subject to the Regulations of this Section in the same Manner as if it were a House or Building built after the Date of the Constitution of the District.

Penalty on Noncompliance with the foregoing Rules.

LXXIV. If any House or Building is built or rebuilt, or any Drain constructed, contrary to the foregoing Enactment, the Owner of the House or Building so built or rebuilt or to which such Drain belongs shall be subject to the following Liabilities; that is to say,

(1.) He shall incur a Penalty for each Offence not exceeding *Fifty Pounds:*

(2.) The Local Board may by Notice require such Owner, within a reasonable Time therein specified, to bring such House, Building, or Drain into conformity with the above Regulations, and if he fails to comply with such Notice, may themselves do the Work required; and the Expenses incurred by them in so doing may be recovered from such Owner in a summary Manner, or may, by Order of the Local Board, be declared to be private Expenses, and be dealt with accordingly.

Map exhibiting System of Sewerage.

LXXV. The Local Board shall, unless already provided therewith, procure or cause to be made a Map, upon such Scale as may for the Time being be directed by any General Order of the General Board of Health, exhibiting a System of Sewerage for effectually draining their District for the Purposes of this Act; and every such Map shall be kept at the Office of the Local Board, and shall at all reasonable Times be open to the Inspection of the Ratepayers of the District.

Cleansing.

LXXVI. In every District the following Works shall be done with respect to Scavenging, Rules with respect to Scavenging.

(1.) All Streets, together with the Foot Pavements thereof, shall be properly cleansed and watered; all Roads shall be properly cleansed, and the whole or any Part of such Roads may in the Discretion of the Local Board be watered:

(2.) All Dust, Ashes, and Rubbish shall be carried away from the Premises of the Inhabitants:

(3.) All Privies, Cesspools, and Ashpits shall be from Time to Time emptied and cleansed:

And the Local Board may themselves undertake or contract with any Person to undertake the aforesaid Works or any of them; and in any Contract made by them the Local Board may require that all Animal and Vegetable Refuse and decomposing Matter be at once separated from the Ashes deposited in the Scavenger Yards or Dust Yards, and removed from the Premises of the Contractor.

LXXVII. In the event of the Local Board themselves undertaking or contracting with any other Person to undertake the Works hereby required in relation to Scavenging, or any of them throughout the District, or any Part thereof, all Contents of Privies and Cesspools, Sewage, Soil, Dung, Filth, Ashes, Dust, and Rubbish collected in the Execution of such Works by the Local Board or by any Person authorized by them may be sold or otherwise disposed of in such Manner as the Local Board directs, and any Profits made by the Local Board in pursuance of this Section shall be carried to such District Fund as is herein-after mentioned. Powers of Local Board in respect of Scavenging.

LXXVIII. In such event as last aforesaid, if any Person, not being the Occupier of any House within the District, removes, or obstructs the Local Board, or any Person authorized by them, in removing, any Sewage, Soil, Dung, Filth, Ashes, Dust, or Rubbish hereby authorized to be removed by the Local Board, he shall for each Offience incur a Penalty not exceeding *Five Pounds;* and if any Person being the Occupier of any House within the District removes, or obstructs the Local Board or any Person authorized by them in removing, any such Substances as aforesaid, (except in Cases where such Substances are produced on his own Premises Notice in Writing has been given by him to the Local Board of his Intention to remove the same for his own Benefit, and the same shall be so removed at such Times and in such Manner as may be approved by the Local Board, and are in the meantime kept in such a Manner as not to be a Nuisance Penalty on unauthorized Scavenging.

to his Neighbours,) he shall for each Offence incur a Penalty not exceeding *Five Pounds*.

Power of Local Board to make Byelaws.

LXXIX. In Cases where the Local Board do not themselves undertake or contract with any Person to undertake to do the following Works, or any of them, that is to say:

(1.) To cleanse the Footways and Pavements adjoining any Premises:

(2.) To remove the Snow from such Footways and Pavements:

(3.) To carry away the Dust, Ashes, and Rubbish from any Premises:

(4.) To empty the Privies, Cesspools, and Ashpits belonging to or used in connexion with any Premises:

They may make Byelaws imposing on the Occupier of any such Premises all or any of the Duties of cleansing any such Footways and Pavements, removing such Snow, of carrying away such Dust, Ashes, and Rubbish, and of emptying any such Privies, Cesspools, and Ashpits as are mentioned in this Section, at such Times and in such Manner as they may approve of, and they may annex reasonable Penalties for the Breach of such Byelaws. The Power of making Byelaws given by this Section may be exercised by the Local Board as to Part of a District, notwithstanding that such Board themselves undertake or contract with some other Person to undertake in other Parts of the District the Works mentioned in this Section, or any of them, and notwithstanding that the Local Board themselves undertake or contract with some other Person to undertake a Portion of such Works throughout the whole District.

Local Board may make Byelaws as to Nuisances.

LXXX. The Local Board may make Byelaws for the Prevention of Nuisances arising from Snow, Filth, Dust, Ashes, and Rubbish within their District, or from the keeping of Animals, and may annex reasonable Penalties for the Breach of such Byelaws.

Public Necessaries.

LXXXI. The Local Board may, if they think fit, provide and maintain in proper and convenient Situations Receptacles for Ashes, Waterclosets, Privies, Urinals, and other similar Conveniences for public Accommodation.

Local Board may order Watercloset, &c. to be erected in Houses, whether built before or after the Constitution of the District.

LXXXII. If at any Time it appears to the Local Board that any House is not provided with a sufficient Watercloset or Privy and an Ashpit, furnished with proper Doors and Coverings, or in a decent and wholesome Situation, the Local Board may by Notice require the Owner or Occupier of such House, within a reasonable Time, to be specified in such Notice, to provide a sufficient Watercloset or Privy and an Ashpit, so furnished as aforesaid, or either of them, as

the

the Case may require, or to alter the Situation of any Watercloset, Privy, or Ashpit which may be indecently or unwholesomely situated; and if he fails to comply with such Notice, he shall incur a Penalty not exceeding *Forty Shillings* for every Day during which such Failure continues, and the Local Board may themselves do the Works required; and the Expenses incurred by them in so doing shall be recoverable from the Owner in a summary Manner, or may, by Order of the said Local Board, be declared to be private Expenses, and be recovered accordingly; but in Cases where a Watercloset or Privy and Ashpit has been and is used in common by the Inmates of Two or more Houses, and where, in the Opinion of the said Local Board, a Watercloset or Privy and Ashpit may conveniently be so used, they shall not require the same to be provided for each House.

Certain Waterclosets to be constructed in Factories, &c.

LXXXIII. If at any Time it appears to the Local Board that any Place is used or intended to be used as a Factory or Building in which Persons are employed or intended to be employed in any Manufacture, Trade, or Business, the Local Board may, by Notice in Writing addressed to the Owner or Occupier of such Place, require them or either of them, within a Time to be specified in such Notice, to construct a sufficient Number of Waterclosets or Privies for the Use of such Persons, and if such Persons are of both Sexes and above Twenty in Number then they may by such Notice require the Construction of separate Waterclosets or Privies for the Persons of each Sex; and any Person neglecting or refusing to comply with any such Notice shall incur for each Default a Penalty not exceeding *Twenty Pounds*, and a further Penalty not exceeding *Forty Shillings* for every Day during which the Default is continued.

Restriction on Establishment of offensive Trades.

LXXXIV. After the Date of the Constitution of any District, the Business of a Blood-boiler, Bone-boiler or Bone-burner, Fellmonger, Slaughterer of Animals of any Description not intended for Human Food, Soap-boiler, Tallow-melter, Tripe-boiler, Manufacturer of Chemical Products causing noxious or offensive Effluvia, or other noxious or offensive Business, Trade, or Manufacture, shall not, without the Consent of the Local Board, be established within the District; and whosoever offends against this Enactment shall incur for each Offence a Penalty not exceeding *Fifty Pounds*, and a further Penalty not exceeding *Forty Shillings* for each Day during which the Offence is continued; and the said Local Board may from Time to Time make such Byelaws with respect to any such Businesses established in their District as they may think necessary and proper, in order to prevent or diminish the noxious or injurious Effects thereof, and may annex reasonable Penalties for the Breach of such Byelaws.

 LXXXV. When

Beds of running Streams to be kept clear.

LXXXV. When the Contents of any Sewer, or any other Flow of Filth or Refuse, are or is discharged into any River or Stream in the Bed of which the Quantity of Water is so much diminished, either by Drought during the Summer, or by Part being taken off by any natural or artificial Cause, as to be insufficient to keep such Channel clean, it shall be lawful for the Local Board to make Alterations in the Bed of such River or Stream by cutting in such Bed a Channel into which the Sewer or Drain Water may be conducted, or by some similar Operations on the Bed of such River or Stream whereby the Flow of Water diminished as aforesaid in such River or Stream may be accelerated, and such Sewer and Drain Water prevented from spreading over the Surface of such Bed or from accumulating and stagnating in Parts thereof, to the Injury or Health and the Annoyance of the surrounding Population, subject nevertheless to this Restriction, that the Local Board shall not be entitled to diminish in any respect the Quantity of Water flowing in such River or Stream, or to injuriously affect the Rights of any Company or Individuals interested in such River or Stream, or entitled to the Use of the Water therein.

New Streets and Houses.

Power to make Byelaws with respect to new Houses.

LXXXVI. Every Local Board may make Byelaws with respect to the following Matters; (that is to say,)

(1.) With respect to the Level and Width of new Streets, and the Provisions for the Sewerage thereof:

(2.) With respect to the Structure of Walls of new Buildings in reference to Stability and the Prevention of Fires:

(3.) With respect to the Sufficiency of the Space in connexion with Buildings, to secure a free Circulation of Air, and the Ventilation of Buildings:

(4.) With reference to the Drainage of Buildings, to Watercloscts, Privies, Ashpits, and Cesspools, in connexion with Buildings, and to the closing of Buildings or Parts of Buildings unfit for Human Habitation, and Prohibition of their Use for that Habitation:

They may annex continuing Penalties, not exceeding *Forty Shillings* a Day, during the Continuance of any Breach of such Byelaws; and they may further provide for the Observance of the same by enacting therein such Provisions as they think necessary as to the giving of Notices, as to the Deposit of Plans and Sections by Persons intending to lay out Streets or to construct Buildings, as to Inspection by the Local Board, as to the Power of the Local Board to remove, alter, or pull down any Work begun or done in contravention of such Byelaws, and as to the Recovery by the Local Board in a summary Manner

Manner of any Expenses incurred by them in enforcing such Byelaws, subject to the following Qualifications: Firstly, that no such Byelaw shall affect any Building erected before the Date of the Constitution of the District, unless such Building is pulled down to or below the Ground Floor, or is converted into a Dwelling House, not having been originally constructed for that Purpose; and secondly, that no Person shall be deprived by any Byelaw of such Right of Appeal as is herein-after given in respect of Byelaws.

For the Purposes of this Act, the re-erecting of any Building pulled down to or below the Ground Floor, or of any Frame Building of which only the Frame Work shall be left down to the Ground Floor, shall be considered the Erection of a new Building.

Streets.

Provisions as to Public Streets.

LXXXVII. The following Provisions shall be enacted with respect to Public Streets; (that is to say,)

(1.) The Management of all such Streets, together with all Buildings, Materials, Implements, and other Things provided for the Purposes thereof, shall vest in and belong to the Local Board:

(2.) The Local Board shall make good and maintain in proper Repair all such Streets; they may pave and flag such Streets or any Part thereof; and they may also pave or make good, with such Materials as they think fit, any Footways for the Use of Passengers in any such Streets, and cause such Footways to be repaired from Time to Time:

(3.) The Local Board may from Time to Time cause the Soil of any such Street to be raised, lowered, or altered as they think fit:

(4.) The Local Board may by Agreement purchase any Premises for the Purpose of making new Streets or of widening or otherwise improving Streets, and any Part of the Premises so purchased which shall not be wanted for the Purpose for which they were purchased may be resold, and the Money arising from the Resale shall be carried to the District Fund herein-after mentioned:

(5.) The Local Board shall from Time to Time place such Fences and Posts on the Side of the Footways of such Streets as may be needed for the Protection of the Passengers on such Footways, and they may place Posts in the Carriageways of such Streets so as to make the Crossing thereof less dangerous for Foot Passengers, and they shall from Time to Time repair any such Fences or Posts, or remove the same, or any Obstruction to any such Carriageway or Footway, as they think fit:

(6.) Nothing herein contained shall deprive any Company or Person of any Right they have possessed previously to the passing of this Act in respect of the laying down, repairing, or altering Pipes under Streets for the Distribution of Water or Gas.

Provisions as to Streets not being Highways.

LXXXVIII. The following Provisions shall be enacted with respect to Streets, whether formed before or after the Date of the Constitution of the District, that are not Highways repairable at the Public Expense; that is to say,

(1.) In case any such Street as aforesaid, or the Carriageway or Footpath thereof, or any Part thereof, is not sewered, levelled, paved, flagged, channelled, or made good to the Satisfaction of the Local Board, such Board may from Time to Time, by Notice in Writing to the respective Owners or Occupiers of the Premises fronting, adjoining, or abutting upon such Parts as may require to be sewered, levelled, paved, flagged, channelled, or made good, require them to sewer, level, pave, flag, channel, or make good the whole Breadth of such Street, or the Carriageway or Footpath thereof, or such Part thereof, within a Time to be specified in such Notice; and if such Notice is not complied with the said Local Board may, if they think fit, execute the Works mentioned or referred to therein, and the Expenses incurred by them in so doing shall be paid by the said Owners, according to the Frontage of their respective Premises, or in such Proportion as may be settled by the Surveyor of the Local Board, or in case of Dispute by Arbitration in the Manner provided by this Act; and such Expenses may be recovered from the last-mentioned Owners in a summary Manner, or the same may be declared by Order of the said Local Board to be private Expenses, and be recoverable accordingly:

(2.) In Cases where the Owners of the Premises fronting, adjoining, or abutting on both Sides or either Side of any such Street or Part of a Street as aforesaid are not entitled to a Right of Way in such Street, then, if any such Street or the Carriageway or Footpath thereof, or any Part thereof, is not sewered, levelled, paved, flagged, channelled or made good to the Satisfaction of the Local Board, such Board may from Time to Time, by Notice in Writing to the respective Owners of the Soil of such Street, require them to sewer, level, pave, flag, channel, or put in repair the whole Breadth of such Street, or the Carriageway or Footpath thereof, or such Part thereof, within a Time to be specified

specified in such Notice; and if such Notice is not complied with the said Local Board may, if they think fit, execute the Works mentioned or referred to therein, and upon the Execution thereof, by Notice put up on any Part of such Street, declare the same to be a Highway repairable at the Public Expense, and such Street shall thenceforth be deemed to be a Highway repairable at the Public Expense:

(3.) In Cases where any such Street as aforesaid is bounded on One Side thereof or of any Part thereof by Premises fronting, adjoining, or abutting upon such Street, and not within the District in which such Street may be situated, and such Street, or the Carriage or Foot Way thereof, shall not be sewered, levelled, paved, flagged, channelled, or made good to the Satisfaction of the Local Board within whose District such Premises are situate, the said Local Board may from Time to Time agree with the Local Board, or other Local Authority within whose Jurisdiction such Street may be situate, for the sewering, levelling, paving, flagging, channelling, or making good of such Street, and may pay the Expense of such Works out of any Funds in their Hands, and may recover such Expenses from the Owners of such Premises in default, according to the Frontage of their respective Premises, or in such other Proportions as may be settled by the Surveyor of the last-mentioned Local Board, or in case of Dispute by Arbitration under this Act; and such Expenses may be recovered from the last-mentioned Owners in a summary Manner, or the same may be declared by the Order of the last-mentioned Local Board to be Private Improvement Expenses, and be recoverable accordingly; and from and after the executing such Works such Street shall be a Public Street of the District within which it is situate:

(4.) The Local Board may, from Time to Time, by Notice in Writing, put up in any Part of such Street as aforesaid, and to be entered amongst the Proceedings of the said Local Board, declare the whole Breadth of such Street, or the Carriageway or Footpath thereof, or any Part of such Street, Carriageway, or Footpath, to be a Public Street, and after the Expiration of a Month from the Date of such Notice being so put up the same shall, subject to the Provision herein-after contained, become a Public Street, and be from Time to Time repaired as such; provided that no such Notice shall be of any Force, nor shall such Street or Part of Street, Carriageway or Footpath, become a Public

Street, if within *One Month* after such Notice has been put up the Proprietor of such Street or Part of Street, Carriageway or Footpath, or the Person representing or entitled to represent such Proprietor, by Notice in Writing to the said Local Board objects thereto:

(5.) No Rector, Vicar, Curate, Incumbent, Minister, or Preacher of any Church, District Church, Chapel, or other Place which is or may be exclusively appropriated to public Religious Worship, and which, being neither a Church, District Church, nor Episcopal Chapel of the Established Church, is or may be duly certified according to the Laws for the Time in force for the Performance of such Religious Worship, shall be deemed to be the Owner or Occupier of any such Church, Chapel, or other Place for the Purposes of this Section, or be liable in respect of such Church, Chapel, or other Place, or in respect of any Churchyard or Burial Ground attached thereto, to contribute to any Expenses payable under this Section, nor shall any such Expenses be deemed to be a Charge on such Church, Chapel, or other Place, or on such Churchyard or Burial Ground, or to subject the same to Distress, Execution, or other legal Process; and the Local Board may, if they think fit, undertake any Works from the Expenses of which any Rector, Vicar, Curate, Incumbent, Minister, or Preacher is hereby exempted, and pay the Expenses thereof out of the General District Rates levied in pursuance of this Act:

(6.) Any such Church, Chapel, or other Place as aforesaid shall be deemed to be exclusively appropriated to Public Religious Worship, notwithstanding the same or any Part thereof is used for Sunday or Infant School, or for the Charitable Education of the Poor.

Penalty on displacing Stones, &c

LXXXIX. If any Person wilfully displaces, takes up, or injures the Pavement, Stones, Materials, Fences, or Posts of any Public Street, without the Consent of the Local Board, he shall incur for every such Offence a Penalty not exceeding *Five Pounds*, and a further Penalty not exceeding *Five Shillings* for every Square Foot of the Pavement, Stones, or other Materials so displaced, taken up, or injured: Provided that any Corporation, Company, Body of Undertakers or Individuals may, without incurring any such Penalty, displace, take up, or injure the Pavement, Stones, Materials, Fences, or Posts of any Street, without the Consent of the Local Board in the Cases and subject to the Conditions in and subject to which they are authorized so to do by any Act of Parliament.

Roads.

XC. The following Provisions shall be enacted with respect to Roads : Provisions as to Roads.

(1.) The Local Board, and none other, shall be the Surveyors of Highways within the Limits of the District, and within those Limits shall have all such Powers and Authorities and be subject to all such Liabilities as any Surveyors of Highways are invested with or subject to by virtue of the Laws for the Time being in force, with this Exception, that the Local Board shall not have Power to levy any Highway Rate within the District, and that, save as herein-after mentioned, the Accounts of the Local Board in respect of such Streets and Roads as aforesaid shall be dealt with in the same Manner as the other Accounts of the Local Board, and not in manner directed by any Act relating to Highways :

(2.) The Inhabitants of any District shall not, in respect of any Property situate therein, be liable to the Payment of any Highway Rate or other Payment not being a Toll in respect of making or repairing any Roads situate beyond the Limits of the District :

(3.) The several Persons who at the Date of the Constitution of the District are Surveyors of Highways within the District may recover any Highway Rate made in respect of the said District, and then remaining unpaid, in the same Manner as if this Act had not been passed ; and the Money so recovered shall be applied, in the first place, in reimbursing themselves any Expenses incurred as such Surveyors, and in discharging any Debts legally owing by them on account of the Highways within their Jurisdiction, and the Surplus (if any) shall be paid by them to the Treasurer of the Local Board, and carried to the District Fund herein-after mentioned :

(4.) The Act of the Thirteenth Year of the Reign of Her present Majesty, Chapter Thirty-five, intituled "An Act for requiring Annual Returns of the Expenditure on Highways "in England and Wales to be transmitted to the Secretary "of State, and afterwards laid before Parliament," shall apply to the Clerk of the Local Board of Health in like Manner as to the Clerk to any such Trustees or Commissioners as are in the said Act mentioned.

XCI. It shall be lawful for any Local Board, by Agreement with the Trustees of any Turnpike Road within the District, to take upon themselves the following Duties or any of them ; that is to say, the Maintenance, Repair, Cleansing, and Watering of such Portion of the said Road as may be within the said District, or any Part of Power of Local Board with respect to Turnpike Roads.

such Portion, on such Terms as the Local Board and the Trustees may agree upon between themselves; and Notice of every such Agreement shall be published once at the least in some One Newspaper published in the County within which the District is situate for *Two* successive Weeks after such Agreement has been made, and shall be affixed to the principal Doors of every Church and Chapel within the District to which Notices are usually affixed; and any Person holding any Security for Money advanced to such Trustees, or to whom any Money may be due from such Trustees, if dissatisfied with such Agreement, may appeal against the same to the Conrt of Quarter Sessions, in the same Manner, and on the same Terms in respect of Notice, as in the Case of Appeals against Rates leviable under this Act; and the Determination of the said Court in respect of such Agreement shall be conclusive and binding on all Persons to all Intents and Purposes.

Local Board may determinewhether a Place is a Street or Road.

XCII. If any Question arises as to whether any Place is a public Street or a Road as respects the Powers herein-before given for cleansing the same, the Local Board may determine such Question, and their Determination shall be final.

Incorporation of Towns Police Clauses Act, 1847.

Incorporation of Provisions of TownsPolice Clauses Act, 1847.

XCIII. The Provisions of "Towns Police Clauses Act, 1847,"

(1.) With respect to Obstructions and Nuisances in the Streets,

(2.) With respect to Fires,

(3.) With respect to Places of Public Resort,

(4.) With respect to Hackney Carriages, and

(5.) With respect to Public Bathing,

shall be incorporated with this Act, subject to the following Qalification; that is to say,

All Penalties imposed by the said "Towns Police Clauses Act, 1847," shall be recoverable in the same Manner and be applied to the same Purposes in and to which Penalties imposed by this Act are recoverable and applicable.

In the Construction of the said Acts the Expression "Constable or other Officer appointed by virtue of this or the Special Act" shall mean the Constable or other like Officer having Jurisdiction within the District.

Incorporation of Towns Improvement Clauses Act, 1847.

Incorporation of Provisions of the Towns Improvement Clauses Act, 1847.

XCIV. The Provisions of "The Towns Improvement Clauses Act, 1847," with respect to the following Matters; that is to say,

(1.) With respect to naming the Streets and numbering the Houses:

(2.) With

(2.) With respect to improving the Line of the Streets and removing Obstructions;

(3.) With respect to ruinous or dangerous Buildings;

(4.) With respect to Precautions during the Construction and Repair of the Sewers, Streets, and Houses;

(5.) With respect to the Prevention of Smoke;

(6.) With respect to Clocks;

shall be incorporated with this Act, subject to this Qualification, that the above-mentioned Provisions with respect to the Prevention of Smoke shall not extend to any of the Processes following; that is to say, to the coking of Coal, the calcining of Ironstone or Limestone, the making or burning of Bricks, Earthenware, Quarries, Tiles, or Pipes, the raising of any Mines or Minerals, the smelting of Iron Ores, the refining, puddling, shingling, annealing, and rolling of Iron or other Metals, or to the melting and casting of Iron into Castings; but nothing contained in this Section shall preclude any Business, Trade, or Manufacture from being deemed noxious or offensive within the Meaning of this Act which might otherwise have been so deemed.

Rule as to Incorporation of Provisions in preceding Section.

XCV. The Provisions with respect to any One or more of the Matters mentioned in the Two last preceding Sections may, notwithstanding the Rules herein-before given for the Adoption of this Act, be separately excluded from such Adoption, as if each such Provisions were arranged under a separate Heading, and any Provision so excluded may, in the Resolution excluding the same, be described as the Provision with respect to such Matter contained in "The Towns Police Clauses Act, 1847," or "The Towns Improvement Clauses Act, 1847," or in any other Manner sufficient to identify the same.

Markets and Fairs.

Power of Local Board to establish Markets and Fairs.

XCVI. The Local Board shall have the Power to do the following Things or any of them within their District:

To provide a Market Place, and construct a Market House and other Conveniences, for the Purpose of holding Markets and Fairs:

To provide Houses and Places for weighing Carts:

To make convenient Approaches to such Market or Fair:

To provide all such Matters and Things as may be necessary for the convenient Use of such Market or Fair:

To purchase or take on Lease Land for any of the foregoing Purposes:

To take Stallages, Rents, and Tolls in respect of the Use by any Person of such Market House:

But no Market or Fair shall be established in pursuance of this Section so as to interfere with any Rights, Powers, or Privileges enjoyed within the District by any Person, chartered Joint Stock or incorporated Company, without his or their Consent.

Incorporation of Provisions of the Markets and Fairs Clauses Act, 1847.

XCVII. For the Purpose of enabling any Local Board to establish Markets or Fairs in manner aforesaid there shall be incorporated with this Act the Provisions of "The Markets and Fairs Clauses Act, 1847," with respect to the following Things:

With respect to the holding of the Market or Fair, and the Protection thereof; and

With respect to the weighing Goods and Carts; and

With respect to the Stallages, Rents, and Tolls; and

With respect to Byelaws;

Subject to this Proviso, that all Tolls leviable by the Local Board in pursuance of this Section shall be approved by One of Her Majesty's Principal Secretaries of State.

Supply of Water.

Provisions with respect to Supply of Water.

XCVIII. The following Provisions shall be observed with respect to the Supply of Water to any District:

(1.) All public Wells, Pumps, Conduits, or other Works used for the gratuitous Supply of Water to the Inhabitants of the District shall vest in and be under the Control of the Local Board:

(2.) The Local Board shall continue, maintain, and supply with Water all such Works as aforesaid, or substitute other Works equally convenient, and supply the same with Water:

(3.) The Local Board may, for the gratuitous Use of the Inhabitants of the District, construct any Number of new Wells or Pumps, or purchase by Agreement the Surrender of any Lease of existing Wells, Pumps, or Works for supplying Water the Reversion of which is now vested in the Corporation of a Borough, or in any Local Board or Commissioners for public Purposes:

(4.) The Local Board may cause a Supply of Water to be furnished to any public Baths or Wash-houses:

(5.) The Local Board shall cause Water to be provided in sufficient Quantities for flushing the Sewers and Drains, for putting out Fires, for cleansing and watering the Streets, and for other public Purposes:

(6.) The Local Board of Health may provide their District with such a Supply of Water as may be proper and sufficient for the

the aforesaid Purposes, and for private Use to the Extent required by this Act; and for those Purposes, or any of them, the said Local Board may from Time to Time, with the Approval of the General Board of Health, contract with any Person whomsoever, or purchase, take upon Lease, hire, construct, lay down, maintain such Waterworks, and do and execute all such Works, Matters, and Things as shall be necessary and proper; and any Waterworks Company may contract with the Local Board of Health to supply Water for the Purposes of this Act in any Manner whatsoever, or may sell and dispose of or lease their Waterworks to any Local Board of Health willing to take the same; and the said Local Board may provide and keep in any Waterworks constructed or laid down by them under the Powers of this Act a Supply of pure and wholesome Water, and the Water so supplied may be constantly laid on at such Pressure as will carry the same to the top Story of the highest Dwelling House within the District supplied: Provided always, that before constructing or laying down any Waterworks under the Powers of this Act within any Limits within, for, or in respect of which any Waterworks Company shall have been established for supplying Water, the said Local Board shall give Notice in Writing to every Waterworks Company within whose Limits the said Local Board may be desirous of laying on or supplying Water, stating the Purposes for and (as far as may be practicable) the Extent to which Water is required by the said Local Board; and it shall not be lawful for the said Local Board to construct or lay down any Waterworks within such Limits, if and so long as any such Company shall be able and willing to lay on Water proper and sufficient for all reasonable Purposes, for which it is required by the said Local Board, and upon such Terms as shall be certified to be reasonable by the General Board of Health, after Inquiry and Report by a Superintending Inspector in this Behalf, or (in case such Company shall be dissatisfied with such Certificate) upon such Terms as shall be settled by Arbitration in the Manner provided by this Act; and in case any Difference shall arise as to whether the Water which any such Company is able and willing to supply or lay on is proper and sufficient for the Purposes for which it is required by the said Local Board, or whether the Purposes for which it is required are reasonable, the same shall be settled by Arbitration in the Manner provided by this Act.

Supply of Water compulsory when it can be furnished at 3*d.* per Week.

XCIX. If it appears to the Local Board that any House is without a proper Supply of Water, and that such Supply can be provided by any Company or Person as aforesaid, at an Expense not exceeding *Threepence* a Week, the Local Board may serve a Notice on the Owner of such House, requiring him to obtain such Supply within a Time to be specified in such Notice, and to do all such Works as may be necessary for that Purpose; and if the Owner fail to comply with such Notice the Local Board may themselves do such Works, and all Expenses incurred by them in so doing may be recovered in a summary Manner from the Owner, or may be deemed to be private Expenses, and recoverable accordingly; and the Occupier shall pay for the Water a Sum not exceeding the Rate of *Threepence* a Week, and that Sum shall be recoverable from the Occupier, or on his Default from the Owner, in a summary Manner.

Offences with respect to Water.

C. The Offences herein-after mentioned shall be punished in manner following; that is to say,

First,—As to injuring Waterworks:

(1.) If any Person wilfully or carelessly breaks, injures, or opens any Lock, Cock, Waste Pipe, or Waterworks belonging to or by means of which Water is supplied to or on account of any Local Board; or,

(2.) Unlawfully flushes, draws off, diverts, or takes Water from any Waterworks belonging to or by which Water is supplied to or on account of any Local Board, or from any Waters or Streams by which such Waterworks are supplied; or,

(3.) Wilfully or negligently wastes or causes to be wasted any Water with which he is supplied by or on account of the said Local Board,

he shall for every such Offence forfeit a Sum not exceeding *Five Pounds*, and a further Penalty of *Twenty Shillings* for each Day during which the Offence is committed after written Notice in that Behalf has been given to him:

Second,—As to fouling Water:

(1.) If any Person washes, cleanses, throws, or causes to enter in any Stream, Reservoir, Conduit, or other Waterworks belonging to or by which Water is supplied to or on account of any Local Board, any Animal, Rubbish, Filth, Stuff, or Thing of any kind whatsoever, or causes or permits or suffers to run or be brought therein the Water of any Sink, Sewer, Drain, Engine, or Boiler, or other filthy, unwholesome, or improper Water; or,

(2.) Does anything whatsoever whereby any Water belonging to or supplied to or on account of any Local Board may be fouled,

he

he shall for every such Offence forfeit a Sum not exceeding *Five Pounds*, and a further Sum of *Twenty Shillings* for each Day during which the Offence is continued after written Notice in that Behalf has been given to him:

Third,—As to fouling Water with Gas;

If any Person, being Proprietor of any Gasworks, or engaged in the Manufacture or Supply of Gas, causes or suffers to be brought or to flow into any Stream, Reservoir, Conduit, Aqueduct, or Waterworks belonging to or by which Water is supplied to or on account of any Local Board, or into any Drain or Pipe communicating therewith, any Washing or other Substance produced in the Manufacture or Supply of Gas, or wilfully does any Act connected with the Manufacture or Supply of Gas whereby the Water in any such Stream, Reservoir, Aqueduct, or Waterworks is fouled,

he shall for every such Offence incur a Penalty not exceeding *Two hundred Pounds*, and after Notice in Writing has been given to him by the Local Board, a further Sum of *Twenty Pounds* for every Day during which the Offence is continued, or during the Continuance of the Act whereby the Water is fouled; and every such Penalty shall be recoverable, with full Costs of Suit, by Action of Debt; and if any Water supplied by, belonging to, or by which Water is supplied to or on account of any Local Board is fouled in any Manner by the Gas of any such Proprietor or Person as last aforesaid, he shall for every such Offence incur a Penalty not exceeding *Twenty Pounds*, and a further Sum not exceeding *Ten Pounds* for every Day whilst the Offence is continued after Notice has been given to him by the Local Board; and for the Purpose of ascertaining whether such Water is fouled by the Gas of any such Proprietor or Person the Local Board may, upon giving *Twenty-four* Hours Notice of their Intention, lay open and examine any Pipes, Conduits, and Works from which the Gas is supposed to escape; and if upon such Examination it appears that the Water has been fouled by the Gas proceeding from or contained in the Pipes, Conduits, or Works examined, the Expenses of the Examination shall be paid and borne by the Person to whom such Pipes, Conduits, or Works belong, or under whose Management or Control they may be, and be recoverable from him in the summary Manner herein-after provided; but if it appear that the Water has not been fouled, then such Expenses, and all Damages occasioned by the Examination, shall be paid by the Local Board out of the General District Rates levied under this Act, and be recoverable from them in the summary Manner herein-after provided; but nothing contained in this Section shall prejudice the levying of any Penalties that may be leviable under any other Act

of Parliament in respect of the same Matters and Things herein-before mentioned, so that such Penalties are not levied cumulatively.

Lighting.

Regulations as to lighting.

CI. The following Regulations shall be observed with respect to lighting any District:

(1.) The Local Board may cause all Streets and public Buildings under their Control and within their District to be lighted with Gas or otherwise, and may provide such Lamps, Lamp-posts, and other Apparatus as may be necessary for that Purpose:

(2.) The Local Board may contract for a Supply of Gas or otherwise for the Purpose of lighting, with any Company or Person within the District, for any Period not exceeding *Three* Years at any One Time, upon such Terms and Conditions as may be agreed upon between the Local Board and such Company or Person.

Slaughter-houses.

Rules as to Slaughter-houses.

CII. The following Rules shall be observed with respect to Slaughter-houses:

(1.) No Place shall be used or occupied as a Slaughter-house within the District which was not in such Use and Occupation at the Date of the Constitution of the District, and has so continued ever since, unless and until a Licence for the Erection thereof, or for the Use and Occupation thereof as a Slaughter-house, has been obtained from the Local Board; and every Person who, without having first obtained such Licence as aforesaid, uses as a Slaughter-house any Place within the District, not used as such at the Date of the Constitution of the District, and so continued to be used ever since, shall for each Offence incur a Penalty not exceeding *Five Pounds*, and a like Penalty for every Day after the Conviction for such Offence upon which the said Offence is continued:

(2.) Every Place within the District which has previously to the Date of the Constitution thereof been used as a Slaughter-house shall, within *Three* Months after such last-mentioned Date, or (in the Case of a Place first used as a Slaughter-house after the Date of the Constitution of the District) previously to the Commencement of such Use, be registered by the Owner or Occupier thereof at the Office of the Local Board in a Book to be kept by them for that Purpose; and every Person who uses or suffers to be used any such Place as a Slaughter-house without its being registered, in compliance with this Section, shall incur a Penalty not exceeding *Five Pounds*

Pounds for such Offence, and a Penalty not exceeding *Ten Shillings* for every Day after the First Day during which such Place is used as a Slaughter-house without having been so registered:

(3.) The Local Board may from Time to Time erect a Slaughter-house on any Land belonging to them, or set apart and improve any Buildings belonging to them for a Slaughter-house:

(4.) As soon as such Buildings are fit for public Use, the Local Board shall give public Notice thereof—

(a.) By Advertisement in some One or more of the Newspapers published in the County in which the District is situate; and

(b.) By causing a Copy of such Notice to be affixed to the principal Doors of every Church and Chapel to which Notices are usually affixed within the District:

(5.) After the Expiration of *Ten* Days from the Publication and posting of such Notice as aforesaid, no Person shall slaughter any Cattle or dress any Carcase for Sale as Human Food in any Place within the District, other than—

(a.) A Slaughter-house which was in use as such before and at the Time of the Constitution of the District, and has so continued ever since; or,

(b.) Slaughter-houses provided or authorized by the Local Board:

And every Person who after such Notice as aforesaid slaughters any Cattle or dresses for Sale any Carcase within the District in any Place not authorized by this Act shall incur for every Offence a Penalty not exceeding *Two Pounds:*

(6.) The Local Board may make Byelaws—

With respect to the Management of and Charges for the Use of any Slaughter-house so provided by them, and with respect to the Inspection and Regulation of all Slaughter-houses whatever within their District, and for keeping the same in a wholesome State:

(7.) The Local Board may purchase or take on Lease any Land necessary for carrying into effect the Objects of this Section:

(8.) Nothing herein contained shall prejudice or affect the Rights, Privileges, or Powers vested in any Person or Persons whomsoever under or by virtue of any Local Act of Parliament, passed before the passing of this Act, for the Purpose of making and maintaining Slaughter-houses for the Accommodation of any City, Town, or other Place.

Pleasure Grounds.

Local Board may provide Places of Public Recreation, &c.

CIII. The Local Board may hold, purchase by Agreement, take on Lease, maintain, lay out, plant, and improve Land for the Purpose of being used as public Walks or Pleasure Grounds, and support or contribute towards any Premises provided for such Purposes by any Person whomsoever.

Baths and Wash-houses.

Local Board may adopt Baths and Wash-houses Act.

CIV. The Local Board may determine that the Act passed in the Tenth Year of the Reign of Her present Majesty, Chapter Seventy-four, and intituled "An Act to encourage the Establish- " ment of Public Baths and Wash-houses," shall be adopted in such District; and upon such Adoption being made, the Provisions of such Act, and of any Act for the Amendment of the same, shall come into operation within the District, and the Local Board shall possess the like Powers and Privileges, and be subject to the like Obligations, so far as the same respectively are applicable, as are by any Act mentioned in this Section conferred or imposed on the Council of any Borough; and all Expenses incurred by the Local Board in carrying into execution the Powers given to them by this Section shall be defrayed out of the General District Rates, and all Receipts by them by reason of the Exercise of such Powers shall be applied in aid of the said Rates.

PART IV.

General Provisions.

Cellars.

Cellars, &c. not to be let as Dwelling Rooms, except, &c.

CV. No Cellar or underground Room in any District shall be let or occupied separately as a Dwelling, unless it possess the following Requisites; that is to say,

(1.) Unless the same is at least *Seven* Feet in Height measured from the Floor to the Ceiling thereof; nor,

(2.) Unless there is outside of and adjoining such Cellar or Room, and extending along the entire Frontage thereof and upwards from *Six* Inches below the Level of the Floor thereof up to the Surface of the said Street or Ground, an open Area of at the least *Three* Feet wide in every Part; nor,

(3.) Unless the same is well and effectually drained and secured against the Rise of Effluvia from any Sewer or Drain; nor,

(4.) Unless there is appurtenant to such Cellar or Room the Use of a Watercloset or Privy, as the Local Board may require, and of an Ashpit furnished with proper Doors and Coverings; nor,

(5.) Unless the same has a Fireplace with a proper Chimney or Flue; nor,

(6.) Unless

(6.) Unless the same has an external Window of at least *Nine* Superficial Feet in Area clear of the Sash Frame, and made to open in such Manner as is approved by the Surveyor of the Local Board:

And whosoever lets, occupies, or continues to let, or knowingly suffers to be occupied, any Cellar or underground Room, contrary to this Act, shall be liable for every such Offence to a Penalty not exceeding *Twenty Shillings* for every Day during which the same continues to be so let or occupied after Notice in Writing from the Local Board in this Behalf; and every Cellar or underground Room in which any Person passes the Night shall be deemed to be occupied as a Dwelling within the Meaning of this Act; but the above Rule as respects Areas shall be qualified as follows:

In any Area adjoining a Cellar or underground Room there may be placed Steps necessary for Access to such Cellar or Room, if the same are so placed as not to be over or across the said external Window:

Over or across any such Area there may be Steps necessary for Access to any Building above the Cellar or Room to which such Area adjoins, if the same be so placed as not to be over or across any such external Window.

Time of Provisions coming into operation.

CVI. The foregoing Provision with respect to the Letting and Occupation of Cellars and underground Rooms shall not, so far as the same relates to Cellars and underground Rooms which have been previously let or occupied as Dwellings, come into force within any District until the Expiration of *Six* Months from the Time of the Constitution of such District; and every Local Board shall from Time to Time after the passing of this Act cause public Notice of the Provisions of this Act with respect to the Letting and Occupation of Cellars and underground Rooms to be given in such Manner as may appear to them to be best calculated to make the same generally known.

Expenses and Rates.

District Fund.

CVII. The Monies carried to the District Fund under the Directions of this Act shall be applied by the Local Board in defraying such of the Expenses incurred by the Local Board in carrying this Act into execution as they think proper.

Compensation in case of Damage by Local Board.

CVIII. Full Compensation shall be made, out of the General District Rates to be levied under this Act, to all Persons sustaining any Damage by reason of the Exercise of any of the Powers of this Act; and in case of Dispute as to Amount the same shall be settled by Arbitration in the Manner provided by this Act; or, if the Com-

pensation claimed do not exceed the Sum of Twenty Pounds, the same may be ascertained by and recovered before Justices in a summary Manner.

Application of Penalties.

CIX. All Penalties recovered under this Act or any Act incorporated herewith shall, notwithstanding the Provisions of an Act passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty King William the Fourth, Chapter Seventy-six, and intituled "An Act to provide for the Regulation of Municipal "Corporations in England and Wales," be paid to the Treasurer of the Local Board, and be by him carried to the District Fund herein-before mentioned.

Rules as to Private Expenses.

CX. The following Rules shall be observed with respect to the Recovery of the Expenses herein-before declared to be Private Expenses:

(1.) Private Expenses shall carry Interest at the Rate of *Five Pounds* per Centum per Annum from the Time at which the same are incurred:

(2.) Private Expenses may, by Order of the Local Board, be declared to be a Charge on the Premises in respect of which they have been incurred, and such Charge shall, in the Case of Premises in the Occupation of any Person, be payable by the Occupier, but in the Case of unoccupied Premises be payable by the Owner:

(3.) The Local Board may appoint the Times at which the Principal and Interest due in respect of Private Expenses are respectively to be paid, with this Limitation, that the whole Amount of such Principal and Interest shall be paid off within the Period of *Thirty* Years from the Time at which such Expenses were incurred:

(4.) If Default is made by any Occupier in Payment of any Principal or Interest due from him in respect of Private Expenses, the Monies so due may be levied by Distress and Sale of the Goods and Chattels of such Occupier; and if Default is made by any Owner in Payment of any Principal or Interest due from him in respect of Private Expenses, the same may be recovered from him in a summary Manner.

Deductions in respect of Private Expenses.

CXI. The following Deductions shall be allowed to Occupiers in respect of Payments made on account of Private Expenses:

(1.) Every Occupier holding at a Rackrent shall be entitled to deduct from the Rent payable to his immediate Landlord *Three Fourths* of the Amount paid by such Occupier in respect of Private Expenses:

(2.) Every

(2.) Every Occupier holding at a Rent less than Rackrent shall be entitled to deduct from the Rent payable to his immediate Landlord such Proportion of *Three Fourths* of the Rent as his Rent bears to the Rackrent.

Redemption of Charge for Private Expenses.

CXII. At any Time before the Expiration of the Period for which any Charge for Private Expenses is made, the Owner or Occupier of the Premises charged therewith may redeem the same, by paying to the Local Board the Expenses incurred by them on account of the Improvement, or such Part thereof as may not have been defrayed by Sums already paid in respect of the same.

Charge for Supply of Water.

CXIII. Whenever any Premises are supplied with Water by a Local Board of Health for domestic, trading, or manufacturing Purposes, the Local Board may make for such Supply such Charge as may be agreed upon between the Local Board and the Persons receiving the Supply.

Water Rate payable in advance.

Power to stop Water in case of Nonpayment of Rates.

CXIV. The said Charge for Water shall be payable in advance; and whenever any Person supplied with Water under the Provisions of this Act neglects to pay the Charge due from him, upon Demand, the Local Board of Health may prevent the Water from flowing into the Premises of the Defaulter in such Manner as they may think fit, and may recover the Arrears due, together with the Expenses of stopping the Supply, in the Manner herein-after provided with respect to the Recovery of Rates made under the Authority of this Act: Provided, that the stopping or cutting off any Supply of Water by the said Local Board under this Enactment shall not relieve any Person from any Penalty or Liability to which he would have been otherwise subject.

General Expenses to be defrayed out of General District Rate.

CXV. All Expenses incurred by any Local Board which are not herein-before specially provided for or ordered by the Local Board to be defrayed out of the District Fund shall be defrayed by a Rate, to be called the General District Rate, and to be levied from Time to Time by the Local Board as Occasion requires.

Regulations as to General District Rate.

CXVI. The following Regulations shall be observed with respect to General District Rates; that is to say,

First,—As to the Incidence of the Rate:

(1.) Subject to the Exceptions herein-after mentioned, the General District Rate shall be a Tax upon the Occupiers of all such Property situate within the District as is assessable to any Rate for the Relief of the Poor, in proportion to the net annual Value of such Property:

(2.) No Property which if it were situate within the Boundaries of a Parish would be assessable to the Relief of the Poor shall be exempt from any District Rate by reason of its being extra-parochial, but such Property shall be subject to such Rate in the same Manner as it would be subject if situate within the Boundaries of some Parish in the District:

(3.) The net annual Value of any Property shall be ascertained by the last preceding Assessment for the Relief of the Poor:

(4.) For the Purpose of assessing the General District Rate, any Person appointed by the Local Board may inspect, take Copies of or make Extracts from, any Rate for the Relief of the Poor within the District, or any Books relating to the same; and if any Officer having the Custody of such last-mentioned Rate or Book refuses to permit any such Inspection or the taking of any such Copies or Extract, he shall for each Offence incur a Penalty not exceeding *Five Pounds:*

(5.) If there is no such Assessment as aforesaid for the Relief of the Poor by Reference to which such net annual Value can be estimated, or if such Assessment is, in the Judgment of the Local Board, an unfair Criterion for making a General District Rate, a Valuation shall be made by a Person appointed by the Local Board for that Purpose, in manner, as near as Circumstances will permit, prescribed by an Act passed in the Seventh Year of the Reign of King William the Fourth, intituled "An Act to regulate Parochial Assessments," or any other Act for the Time being in force for regulating Parochial Assessments; and the net annual Value of the Property shall be ascertained by Reference to the said Valuation and Assessment:

(6.) Whenever the Name of any Owner or Occupier liable to be rated under this Act is not known to the Local Board of Health, it shall be sufficient to assess and designate him in the Rate as "the Owner" or "the Occupier" of the Premises in respect of which the Assessment is made, without further Description:

(7.) The above Rules shall be subject to the following Exceptions; that is to say,

The Owner, instead of the Occupier, may, at the Option of the Local Board, be rated in Cases—

Where the rateable Value of any Premises liable to Assessment under this Act is less than the Sum of *Ten Pounds;* or

Where

Where any Premises liable to an Assessment are let to weekly or monthly Tenants; or

Where any Premises so liable as aforesaid are let in separate Apartments:

Subject to this Proviso, that in Cases where the Owner is rated instead of the Occupier he shall be assessed upon such reduced Estimate as the Local Board deems reasonable of the net annual Value, not being less than *Two Thirds* nor more than *Four Fifths* of such annual Value:

And where such reduced Estimate is in respect of Tenements, whether occupied or unoccupied, then such Assessment may be made on *One Half* of the Amount at which such Tenements would be liable to be rated if the same were occupied, and the Rate were levied on the Occupiers:

The Owner of any Tithes, or of any Tithe Commutation Rentcharge, or the Occupier of any Land used as Arable, Meadow, or Pasture Ground only, or as Woodlands, Market Gardens, or Nursery Grounds, and the Occupier of any Land covered with Water, or used only as a Canal or Towing-path for the same, or as a Railway constructed under the Powers of any Act of Parliament for Public Conveyance, shall be assessed in respect of the same in the Proportion of *One Fourth* Part only of such net annual Value thereof:

(8.) A General District Rate may be raised retrospectively for the Purpose of paying any Charges or Expenses or defraying any Liability which may have been incurred at any Time within *Twelve* Months before the making of the Rate, or for the Purpose of repaying Monies advanced on Mortgage of such Rate under the Powers of this Act; and when any Rate is appealed against, the Time during which the Appeal remains undecided shall be excluded in calculating such Period of *Twelve* Months as lastly herein-before mentioned:

(9.) Premises unoccupied at the Time of making the Rate shall be included in the Rate, but the Rate shall not be charged upon any Person in respect of the Premises while they remain unoccupied:

(10.) If the Premises are afterwards occupied during any Part of the Period for which the Rate was made, and before the same is fully paid, the Name of the in-coming Tenant shall be inserted in the Rate, and thereupon a Part of the Rate, in proportion to the Period of the Rate unexpired at the Commencement of the Tenancy, shall be levied in the same Manner as if the Premises had been occupied when the Rate was made:

(11.) If any Owner or Occupier liable to Rate cease to own or occupy the Premises in respect of which he is liable before the End of the Period for which the Rate was made, and before the same was fully paid off, he shall be liable to pay Part only of the Rate proportioned to the Time of his Ownership or Occupation, and any subsequent Owner or Occupier during Part of the Period of the Rate shall pay a Part of the Rate proportioned to the Time of his Ownership or Occupation, and that Part may be recovered as if he had been originally assessed.

Secondly,—As to Estimate and Notice of Rate:

(12.) The Local Board of Health, before proceeding to make any General District Rate under this Act, shall cause an Estimate to be prepared of the Money required for the Purposes in respect of which the Rate is to be made, showing the several Sums required for each of such Purposes, the rateable Value of the Property assessable, and the Amount of Rate which for those Purposes it is necessary to make upon each Pound of such Value; and the Estimate so made shall forthwith, after being approved of by the said Local Board, be entered in the Rate Book, and be kept at their Office, open to Public Inspection during Office Hours thereat:

(13.) Public Notice of their Intention to make any General District Rate, and of the Time at which it is intended to make the same, and of the Place where a Statement of the proposed Rate is deposited for Inspection, shall be given by the Local Board at least *Seven* Days before the Day on which the Rate is intended to be made; but in case of Proceedings to levy or recover any Rate, such Notice shall be presumed to have been given, unless the contrary is proved.

Thirdly,—As to Inspection and Amendment of Rate:

(14.) Any Person interested in or assessed to any Rate made under this Act may inspect the same, and any Estimate made previously thereto, and may take Copies of or Extracts therefrom, without Fee or Reward; and whosoever, having the Custody of such Estimate or Rate, refuses to allow or does not permit such Inspection, or such Copies or Extracts to be taken, shall for every such Offence be liable to a Penalty not exceeding *Five Pounds*:

(15.) The Local Board may from Time to Time amend any Rate made in pursuance of this Act in manner following:

By inserting therein the Name of any Person claiming and entitled to have his Name inserted;

By inserting the Name of any Person who ought to have been assessed, and the Property omitted from rating or Assessment, with its rateable Value;

By

By striking out the Name of any Person who ought not to have been assessed;

By raising or reducing the Sum at which any Person has been assessed, if it appear to the said Local Board that he has been under-rated or over-rated;

By making any other Alteration which will make the Rate conformable to the Provisions of this Act:

And no Amendment so made shall be held to avoid the Rate:

(16.) Any Person who feels himself aggrieved by any such Amendment as aforesaid shall have the same Right of Appeal therefrom as he would have had if the Matter of Amendment had appeared on the Rate originally made; and with respect to him the amended Rate shall be considered to have been made at the Time when he first received Notice of the Amendment; and in the Case of any Person the Amount of whose Rate is increased by the Amendment, or whose Name is thereby newly inserted as aforesaid, the Rate shall not be payable by him until *Seven* Days after such Notice has been given to him.

Fourthly,—As to Publication and Collection of Rate:

(17.) All Rates made under the Authority of this Act shall be published in the same Manner as Poor Rates, and shall commence and be payable at such Time or Times, and either in One Sum or by Instalments, and shall be collected and recovered in such Manner and by such Persons, and separately or with any other Rate or Tax, by One Process or Summons as if only One Rate, as the Local Board from Time to Time appoints.

Fifthly,—As to the Remedies for Rate:

(18.) If any Person assessed to any such Rate fails to pay the same when due, and for the Space of *Fourteen* Days after the same has been demanded, any Justice may summon the Defaulter to appear before him or any other Justice at a Time and Place to be mentioned in the Summons, to show Cause why the Rate in arrear should not be paid; and in case the Defaulter fails to appear according to the Exigency of the Summons, or no sufficient Cause for Non-payment is shown, the Justice may, by Warrant under his Hand and Seal, cause the same, and all Costs of the Proceedings, to be levied by Distress of the Goods and Chattels of the Defaulter:

(19.) In any Proceedings for the Recovery of such Rate, or of any Money payable by virtue of this Act, any Number of Persons may be included in the same Information, Summons, or other legal Proceeding:

(20.) If no Distress sufficient to satisfy the Amount can be found within the Jurisdiction of the Justice by whom such

Warrant is granted, and it so appears upon Oath before a Justice of any other County or Jurisdiction in which any Goods or Chattels of the Defaulter may be, the last-mentioned Justice shall indorse his Signature upon the said Warrant, and thereupon the Amount to be levied, or so much thereof as may be unsatisfied, shall be levied of the last-mentioned Goods and Chattels, in the same Manner as if the Defaulter had been assessed in the last-mentioned County:

(21.) If any Person quits or is about to quit any Premises without Payment of any Rate then due from him in respect of such Premises under this Act, and refuses to pay the same, after lawful Demand thereof in Writing, any Justice having Jurisdiction where such Person resides or his Goods are found may summon him to appear, at a Time and Place to be mentioned in the Summons, to show Cause why the Rate so due should not be paid; and in case the Defaulter fails to appear, or no sufficient Cause for Nonpayment be shown, the Justice may, by Warrant under his Hand and Seal, cause the Sum to be levied by Distress of the Goods and Chattels of the Defaulter:

(22.) The Costs of the Levy of Arrears of any Rate may be included in the Warrant for such Levy.

Sixthly,—As to Appeal against Rate:

(23.) Any Person may appeal against a Rate upon the Terms and in the Manner in and upon which a Person may appeal against a Rate for the Relief of the Poor.

Seventhly,—As to Evidence of Rate:

The Production of the Books purporting to contain any Rate or Assessment made under this Act shall alone, and without any other Evidence whatsoever, be received as primâ facie Evidence of the making and Validity of the Rates mentioned therein.

District may be divided.

CXVII. The Local Board may from Time to Time divide their District into Parts, for all or any of the Purposes of this Act, and make a separate Assessment and levy a separate Rate upon any Part of such District for all or any of such last-mentioned Purposes, taking care, nevertheless, in Cases where Expenses are incurred in respect of Two or more Parts of a District in common, to apportion such Expenses between such Parts in an equitable Manner.

Recovery of separate Rate.

CXVIII. Any Rate made in pursuance of the last preceding Section shall be recovered in the same Manner and be subject to the same Regulations as a General District Rate, or as near thereto as Circumstances admit.

CXIII. When

CXIX. Whenever any new Sewer is constructed, if it is proved to the Local Board that any Premises were sufficiently drained before the same is made, they shall deduct from the Amount of Rates otherwise chargeable in respect of such Premises such a Sum and for such Time as the Local Board may, under all the Circumstances of the Case, deem to be just.

Local Board may allow Owners Time for Repayment of Expenses.

CXX. In any Case in which the Local Board may have incurred Expenses for the Repayment whereof the Owner of the Premises for or in respect of which the same are incurred is made liable by this Act, the Local Board may, if they think fit, allow such Owner Time for Repayment, and receive the same by such Instalments, not being less than *One Thirtieth* Part of the entire Sum, together with Interest at the Rate of *Five Pounds* in the Hundred upon the Sum from Time to Time remaining unpaid, as they, under the Circumstances of each Case, may consider to be just; but although Time for Repayment is allowed as last aforesaid, the Sum due, or so much thereof as may be unpaid, shall from Time to Time, in case of Default in Payment at the Times respectively appointed for Payment, be recoverable from the Person being then Owner, in like Manner in all respects as the entire Sum might have been recovered if Time for Repayment had not been allowed.

Mortgage of Rates.

Mortgage of Rates.

CXXI. The Local Board of Health may, for the Purpose of defraying any Costs, Charges, and Expenses incurred or to be incurred by them in the Execution of this Act or of any Act incorporated herewith, borrow and take up at Interest, on the Credit of the Charges and Rates authorized to be made or collected under this Act, any Sums of Money necessary for defraying any such Costs, Charges, and Expenses; and for the Purpose of securing the Repayment of any Sums so borrowed, together with such Interest as aforesaid, the said Local Board may mortgage to the Persons by or on behalf of whom such Sums are advanced the said Charges and Rates or any of them; but the Exercise of the above Power shall be subject to the following Regulations:

(1.) The borrowing such Money shall be sanctioned by an Order of the General Board of Health:

(2.) The Money so borrowed shall not at any Time exceed in the whole the assessable Value for *One Year* of the Premises assessable within the District in respect of which such Money may be borrowed:

(3.) Such borrowing as aforesaid may be for such Time, not exceeding *Fifty* Years, as the Local Board, with the Sanction of the General Board of Health, determine in each Case;

and, subject as aforesaid, the Local Board may either pay off the Monies so borrowed by equal annual Instalments, or they may in every Year set apart as a Sinking Fund, and accumulate in the way of Compound Interest by investing the same in the Purchase of Exchequer Bills or other Government Securities, such Sum as will be sufficient to pay off the Monies so borrowed, or a Part thereof, at such Times as the Local Board may determine:

And in Cases where the Local Board borrow any Money for the Purpose of defraying Private Expenses, or Expenses in respect of which they have determined a Part only of the District to be liable, it shall be the Duty of the Local Board, as between the Ratepayers of the District, to make good, so far as they can, the Money so borrowed, as Occasion requires, either out of the Charges herein-before authorized to be created for the Liquidation of Private Expenses, or out of a Rate levied in such Part of the District as aforesaid.

Public Works Loan Commission under 14 & 15 Vict. c. 23. may make Advances.

CXXII. The Commissioners acting in the Execution of an Act passed in the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Twenty-three, "to authorize for a further "Period the Advance of Money out of the Consolidated Fund to a "limited Amount, for carrying on Public Works and Fisheries, and "Employment of the Poor," and any Act or Acts for amending or continuing the same, may, if they think fit, make Advances to the Local Board of any District for the Purposes of this Act, upon the Security of the Rates to be levied by such Board under this Act, and without requiring any further or other Security than a Mortgage of such Rate.

Money may be borrowed at lower Rates of Interest, to pay off Securities bearing a higher Rate.

CXXIII. If the Local Board can at any Time borrow at a lower Rate of Interest than that secured by any Mortgage previously made by them, and then outstanding and in force, they may, if they shall think fit, so borrow accordingly, in order to pay off and discharge any of the Securities bearing a higher Rate of Interest, and may charge the Rates which they may be authorized to mortgage under this Act with Payment of the Sum so borrowed, together with the Interest thereon, in such Manner and subject to such Regulations as are herein contained with respect to other Monies borrowed upon Mortgage.

Power to borrow Money to pay off former Mortgages.

CXXIV. If at the Time appointed by any Mortgage Deed for Payment of the Principal Money secured thereby the Local Board are unable to pay off the same, they may, if they think fit, borrow such Sum of Money as may be necessary for the Purpose of paying off the whole or any Part of the said Principal Monies, and may secure the Repayment of the same, and the Interest to be paid thereon, in the same Manner in all respects as in the Case of Monies borrowed for

for defraying Costs, Charges, and Expenses incurred by the Local Board in the Execution of this Act.

Incorporation of certain Provisions of the Comissioners Clauses Act, 1847.

CXXV. The Provisions of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed to the Commissioners, with the Exception of the Clause numbered Eighty-four in that Act, and of the Provision requiring such Mortgages to be by Deed duly stamped, shall be incorporated in this Act.

Mortgagee not to hav Priority.

CXXVI. Every Mortgagee shall be repaid the Sums advanced, with Interest, without any Preference the one over the other by reason of any Priority of Advance or of the Date of his Mortgage.

Mortgagees may apply for Receiver.

CXXVII. If any Principal Money or Interest is unpaid, after the Expiration of *Six* Months from the Time when the same has become due, upon any Mortgage under this Act, the Mortgagees may enforce the Payment of the Arrears so due by the Appointment of a Receiver, in the Manner expressed in the said incorporated Clauses of the said Commissioners Clauses Act, 1847.

Audit of Accounts.

As to Audit of Accounts.

CXXVIII. The Accounts of the Receipts and Expenditure of the Local Board shall be audited and examined once in every Year, as soon as can be after the *Twenty-fifth Day of March*,—

In case of a District consisting of a Borough, by the Auditors of the Borough;

In case of any other District, by the Auditor of Accounts relating to the Relief of the Poor for the Union in which such District or the greater Part thereof is situate, unless such Auditor is a Member of the Local Board whose Accounts he is appointed to audit, in which case such Accounts shall be audited by such Auditor of any adjoining Union as may from Time to Time be appointed by the Local Board of Health:

And any Auditor acting in pursuance of this Section may disallow any Items of Account that he thinks unauthorized by Law; and any Person aggrieved by such Disallowance may apply to the Court of Queen's Bench for a Writ of Certiorari to remove the Disallowance into the said Court, in the same Manner and subject to the same Conditions as are provided in the Case of Disallowances by Poor Law Auditors under the Laws for the Time being in force with regard to the Relief of the Poor; and the said Court shall have the same Powers with respect to Disallowances under this Act as it has with respect to

Disallowances by the said Poor Law Auditors; or in lieu of such Application any Person so aggrieved may appeal to the General Board of Health, who shall have the same Powers in the Case of the Appeal as are possessed by the Poor Law Board in the Case of Appeals against Disallowances by the said Poor Law Auditors.

Power to Auditor to require Production of Books.

CXXIX. For the Purpose of any Audit of Account under this Act, every Auditor may, by Summons in Writing, require the Production before him of all Books, Deeds, Contracts, Accounts, Vouchers, and all other Documents and Papers which he may deem necessary, and may require any Person holding or accountable for any such Books, Deeds, Contracts, Accounts, Vouchers, Documents, or Papers to appear before him at any such Audit or any Adjournment thereof, and to make and sign a Declaration as to the Correctness of the same; and if any such Person neglects or refuses so to do, or to produce any such Books, Deeds, Contracts, Accounts, Vouchers, Documents, or Papers, or to make or sign such Declaration, he shall incur for every Neglect or Refusal a Penalty not exceeding *Forty Shillings;* and if he falsely or corruptly makes or signs any such Declaration, knowing the same to be untrue in any material Particular, he shall be liable to the Penalties inflicted upon Persons guilty of wilful and corrupt Perjury; and such Auditors or Auditor shall in respect of each Audit be paid, out of the General District Rates levied under this Act, such reasonable Remuneration, not being less than *Two Guineas* for every Day in which he is employed in such Audit, as the Local Board from Time to Time appoints.

Notice of Audit.

CXXX. Before each Audit of Accounts under this Act, the Local Board shall give *Ten* Days Notice of the Time and Place at which the same will be made, by Advertisement in some One or more of the public Newspapers published in the County in which the District is situate; and a Copy of the Accounts to be audited shall be deposited in the Office of the Local Board, and be open, during Office Hours thereat, to the Inspection of all Persons interested, for *Seven* Days before the Audit; and all such Persons shall be at liberty to take Copies of or Extracts from the same, without Fee or Reward.

Report of Auditors.

CXXXI. Within *Fourteen* Days after the Completion of the Audit, the Auditor shall report upon the Accounts audited and examined, and shall deliver such Report to the Clerk of the Local Board, who shall cause the same to be deposited in the Office of the Local Board, and shall publish an Abstract of such Accounts in some One or more of the Newspapers published in the County in which the District is situate.

Notices.

Notices by Local Board, how to be signed.

CXXXII. Where any Notice is required to be given by any Local Board under this Act or any Act incorporated herewith, or any Local Act constituting a Local Board of Health, such Notice shall in all Cases be sufficiently authenticated if signed by the Clerk to the Local Board, or signed, in the Case of a District consisting of a Borough in which there is no such last-mentioned Clerk, by the Town Clerk; and every Notice purporting to be signed by such Clerk shall be receivable in Evidence in all Courts of Justice, and in all legal Proceedings, without any further Proof thereof.

As to Service of Notice on Owners and Occupiers of Buildings and Lands.

CXXXIII. Where under this Act, or any Act incorporated herewith, or any Local Act constituting a Local Board of Health, any Notice is required to be given to the Owner or Occupier of any Building or Land, such Notice, addressed to the Owner or Occupier thereof, as the Case may require, may be served on the Occupier of such Building or Land, or left with some Inmate of his Abode, or, if there is no Occupier, may be put upon some conspicuous Part of such Building or Land; and it shall not be necessary in any such Notice to name the Occupier or the Owner of such Building or Land; provided that when the Owner of any such Building or Land, and his Residence, are known to the Local Board, it shall be the Duty of the Local Board, if such Owner is residing within the District, to cause every Notice required to be given to the Owner to be served on such Owner, or left with some Inmate of his Abode; and if such Owner is not resident within the District, to send every such Notice by the Post, addressed to the Residence of such Owner.

Notice to be binding on Assigns.

CXXXIV. All Notices required under this Act, or any Act incorporated herewith, or any Local Act constituting a Local Board of Health, to be served on any Owner or Occupier, shall, if due Service thereof has been once made on any Owner or Occupier, be binding on all Persons claiming by, from, or under such Owner or Occupier, to the same Extent as if such Notice had been served on such last-mentioned Persons respectively.

Byelaws.

Byelaws.

CXXXV. The Local Board may from Time to Time make such Byelaws as they think fit for the several Purposes for which they are herein-before or by any Incorporated Act empowered to make Byelaws, and from Time to Time repeal, alter, or amend any such Byelaws, provided that such Byelaws are not repugnant to the Laws of England, or to the Provisions of this Act, and are confirmed and published in manner herein-after mentioned.

Byelaws may be enforced by Imposition of Penalties.

CXXXVI. The Local Board, by the Byelaws so to be made by them may impose such reasonable Penalties as they think fit, not exceeding *Forty Shillings* for each Breach of such Byelaws, except as otherwise provided by this Act; but such Byelaws shall be so framed as to allow the Justices before whom any Penalty imposed thereby is sought to be recovered, to order the whole or Part only of such Penalty to be paid, or to remit the whole Penalty.

Byelaws to be confirmed.

CXXXVII. No Byelaw made by the Local Board under the Authority of this or any Incorporated Act shall be of any Force until it has been confirmed by the Committee of Council for Health, who are hereby empowered to allow or disallow the same as they think fit; but any Byelaw when so confirmed shall be deemed to be valid to all Intents and Purposes.

Notice of Confirmation to be given.

CXXXVIII. No such Byelaw shall be confirmed unless Notice of the Intention to apply for a Confirmation of the same has been given in One or more of the Newspapers published in the County within which the District or some Part thereof is situate *One Month* at least before the making of such Application.

A Copy of proposed Byelaws to be open to Inspection.

CXXXIX. For *One Month* at least previous to any such Application for Confirmation of any Byelaw a Copy of the proposed Byelaw shall be kept at the Office of the Local Board, and all Persons may at all reasonable Times inspect such Copy without Fee; and the Local Board shall furnish every Person who applies for the same with a Copy thereof or of any Part thereof, on Payment of *Sixpence* for every One hundred Words so to be copied.

Publication of Byelaws.

CXL. Every Byelaw when confirmed shall be printed: A printed Copy thereof shall be hung up in the Office of the Local Board, and a Copy thereof shall be delivered, on Application, to every Ratepayer of the District.

Evidence of Byelaws.

CXLI. The Production of a printed Copy of any Byelaw authenticated by the Seal of the Local Board shall, unless the contrary is shown, be Evidence of the Existence and of the due making of such Byelaw.

Legal Proceedings.

Rules as to Arbitrations.

CXLII. Arbitrations under this Act shall be conducted in manner directed by the Railways Clauses Consolidation Act, 1845, and for this Purpose the Clauses of the said Act with respect to the Settlement of Disputes by Arbitration shall be incorporated herewith.

CXXXVII. All

Recovery of Penalties, &c.

CXLIII. All Penalties under this Act, and all Fees, Damages, Costs, Compensation, or Expenses by this Act directed to be recovered in a summary Manner, may be recovered before Two Justices in manner directed by an Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty Queen Victoria, Chapter Forty-three, intituled "An Act to facilitate the Performance of the Duties "of Justices of the Peace out of Sessions within England and Wales "with respect to summary Convictions and Orders."

Appeal to Quarter Sessions.

CXLIV. If any Person feels aggrieved by any Order or Adjudication made by any Justice, other than any Order or Adjudication in respect of Payment of Rates, or any Order or Requisition made by any Local Board in pursuance of this Act or any Act incorporated herewith, or in pursuance of any Byelaw made by virtue of the Powers given by this Act, he may, if such Order, Adjudication, or Requisition involves the Payment or Outlay of a Sum exceeding Ten Pounds appeal to the Court of Quarter Sessions against any such Order, Adjudication, or Requisition; but no such Appeal shall be entertained unless it is made within *Four* Months next after the making of such Order, Adjudication, or Requisition, nor unless *Ten* Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, is given to the Party against whom the Appeal is brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as they think reasonable.

CXLV. At the Sessions the Court shall proceed to hear and determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the Hearing of such Appeal the Court may, if they think fit, mitigate any Penalty, or they may modify, confirm, or quash any Order, Adjudication, or Requisition so made as aforesaid, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs both of the Order, Adjudication, or Requisition, and of the Appeal, as they may think reasonable.

Notice of Action.

CXLVI. No Writ or Process shall be sued out against or served upon any Superintending Inspector, or any Officer or Person acting in his Aid, or under the Direction of the Committee of Council for Health, nor against the Local Board or any Member thereof, or the Officer of Health, Clerk, Surveyor, Inspector of Nuisances, or other Officer or Person whomsoever acting under the Direction of the Local Board, for anything done or intended to be done under the Provisions of this Act or

of any Act incorporated herewith, until the Expiration of *One Month* next after Notice in Writing has been delivered to him, or left at their or his Office or usual Place of Abode, clearly stating the Cause of Action, and the Name and Place of Abode of the intended Plaintiff, and of his Attorney or Agent in the Cause; and upon the Trial of any such Action the Plaintiff shall not be permitted to go into Evidence of any Cause of Action which is not stated in the last-mentioned Notice; and unless such Notice is proved the Jury shall find for the Defendant; and every such Action shall be brought or commenced within *Six* Months next after the Accrual of the Cause of Action, and not afterwards, and shall be laid and tried in the County or Place where the Cause of Action occurred, and not elsewhere; and the Defendant shall be at Liberty to plead the General Issue, and give this Act and all special Matter in Evidence thereunder.

Tender of Amends.

CXLVII. If any Party has committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act or any Act incorporated therewith, or by virtue of any Power or Authority thereby given, and if before Action brought in respect thereof such Party makes Tender of sufficient Amends to the Party injured, such last-mentioned Party shall not recover in any such Action; and if no such Tender has been made it shall be lawful for the Defendant, by Leave of the Court where such Action is pending, at any Time before Issue joined, to pay into Court such Sum of Money as he thinks fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

Things required to be done by Two Justices may in certain Cases be done by One.

CXLVIII. All Things herein, or in any Act incorporated herewith authorized or required to be done by Two Justices, may be done by any One Magistrate having by Law Authority to act alone for any Purpose with the Powers of Two or more Justices.

Justices not disqualified by being a Member of Local Board.

CXLIX. Except in Cases where express Provision to the contrary is made by this Act, no Person shall be disqualified from acting as a Justice of the Peace under this Act by reason of his being a Member of the Local Board of the District within which the Subject Matter of which he has cognizance arises.

Reporting on Execution of Act.

Accounts to be transmitted to the General Board of Health.

CL. Every Local Board shall make a Report, in such Form and at such Time as the General Board of Health may from Time to Time direct, of all Works executed by them during the preceding Year, of all Sums received and Disbursements made, under and for the Purposes of this Act, and shall send a Copy to the General Board

Board of Health, and deliver a Copy free of Charge to every Rate-payer in the District who applies for the same.

Miscellaneous.

Entry upon Lands for the Purposes of this Act.

CLI. The Local Board, their Officers or Servants, may enter, examine, and lay open any Lands or Premises for any of the Purposes of this Act; and in case the Owner or Occupier of such Lands or Premises refuses to permit the same to be so entered upon, examined, or laid open, the Local Board may, upon Notice to such Owner or Occupier, apply to Two Justices for an Order authorizing the Members of such Local Board, their Officers and Servants, or any of them, to enter, examine, and lay open the said Lands and Premises for the Purposes aforesaid or any of them, and if no sufficient Cause is shown against the same, the said Justices may make an Order authorizing the same accordingly, and thereupon the Local Board, or any Member thereof, and any Officer and Servant of the Local Board, may, at all reasonable Times between the Hours of Ten in the Forenoon and Four in the Afternoon, enter, examine, or lay open the Lands or Premises mentioned in such Order, for such of the said Purposes as may be specified in the said Order, without being subject to any Action or Molestation for so doing: Provided, that, except in case of Emergency, no Entry shall be made or Works commenced under the Powers of this Enactment unless *Twenty-four* Hours at the least previously thereto Notice of the intended Entry, and of the Object thereof, has been given to the Occupier of the Premises intended to be entered.

Power to require Gas and Water Pipes to be moved.

CLII. Whenever, for the Purposes of this Act, the Local Board deem it necessary to raise, sink, or otherwise alter the Situation of any Water or Gas Pipes, Mains, Plugs, or other Waterworks or Gasworks laid in or under any Street, they may, by Notice in Writing require the Person to whom the Pipes, Mains, Plugs, or Works belong to raise, sink, or otherwise alter the Situation of the same, in such Manner and within such reasonable Time as is specified in such Notice, and the Expenses attendant upon or connected with any such Alteration shall be paid by the said Local Board out of the General District Rates levied under this Act, except in Cases where, under any Local Act of Parliament, the Expenses attendant upon or connected with the raising, sinking, or otherwise altering the Situation of any Water or Gas Pipes, Mains, Plugs, or other Waterworks or Gasworks, are directed to be borne by the Person to whom such Pipes or Works belong, in which Cases the Liability of such last-mentioned Person in respect of such Expenses shall continue, in the same Manner and under the same Conditions in all respects as if this Act had not been passed; and if such Notice as aforesaid is not complied with, the Local Board may make the required Alteration; but no Alteration

shall be required or made under this Section which will permanently injure any such Pipes, Mains, Plugs, or Works.

Superintending Inspectors may summon Witnesses, and call for Plans, &c.

CLIII. During any Inquiry by a Superintending Inspector under this Act, he may summon before him any Persons whomsoever, and examine them upon Oath or otherwise touching any Matter relating to the Purposes of the Inquiry, and he may by any such Summons require any Parochial Officer, or any Officer of or acting under any Corporation, Guardians, or Directors of the Poor, and any Commissioner, Trustee, Officer, or Person acting under any Local Act of Parliament in force within the District to which any such Inquiry may relate, to produce before him any Surveys, Plans, Sections, Rate Books, or other like Documents which may by reason of their Office be in their Custody or Control touching any Matter relating to the Purposes of such Inquiry, and such Inspector may examine, inspect, or take Copies of any such Books, Surveys, Plans, Sections, and Documents, or any of them, or Part thereof; and whosoever wilfully disobeys any such Summons, or prevents any such Inspector from examining, inspecting, or taking Copies as last aforesaid, or refuses to answer any Question put to him by such Inspector for the Purposes of the said Inquiry, shall be liable to a Penalty not exceeding *Five Pounds:* Provided always, that no Person shall be required to attend in obedience to any such Summons unless the reasonable Charges of his Attendance shall have been paid or tendered to him; and no Person shall be required in any Case, in obedience to any such Summons, to travel more than *Ten* Miles from his Place of Abode.

Penalty for obstructing Officers, defacing Boards, &c.

CLIV. Whosoever wilfully obstructs any Superintending Inspector, or any Member of the Local Board, or any Officer or Person duly employed in the Execution of this Act, or destroys, pulls down, injures, or defaces any Board, Handbill, or Placard upon which any Byelaw, Notice, or other Matter is inscribed, shall, if the same were put up by Authority of the Local Board or of the General Board of Health, be liable for every such Offence to a Penalty not exceeding *Five Pounds.*

Penalty on Injury to Works, &c. of Local Board.

CLV. If any Person wilfully injures any Works or Property belonging to any Local Board, he shall incur for every such Offence a Penalty not exceeding *Five Pounds.*

Penalty on Occupier preventing Execution of Works.

CLVI. If the Occupier of any Premises prevents the Owner thereof from obeying or carrying into effect the Provisions of this Act, any Justice to whom Application is made in this Behalf may, by Order, require such Occupier to permit the Execution of the Works required to be executed, if he thinks the same to be such as are necessary for the Purpose of carrying into effect the Provisions of

of this Act; and if within a reasonable Time after the making of such Order the Occupier against whom it is made refuses to comply therewith, he shall incur a Penalty not exceeding Five Pounds for every Day afterwards during the Continuance of such Refusal; and if the Occupier of any Premises, when requested by or on behalf of the Local Board to state the Name of the Owner of the Premises occupied by him, refuses or wilfully omits to disclose or wilfully mis-states the same, any Justice may, on Oath made before him of such Request, and Refusal, Omission, or Mis-statement, summon the Party to appear before him or some other Justice at a Time and Place to be appointed in such Summons, and if after being so summoned he neglects or refuses to attend at the Time and Place so appointed, or if he does not show good Cause for such Refusal, or if such wilful Omission or Mis-statement is proved, the Justice before whom the Party is so summoned may impose upon the Offender a Penalty not exceeding *Five Pounds*.

Persons giving false Evidence liable to Penalties of Perjury.

CLVII. Every Person who, upon any Examination upon Oath under the Provisions of this Act, wilfully and corruptly gives false Evidence, shall be liable to the Penalties of wilful and corrupt Perjury.

Persons acting in execution of Act not to be personally liable.

CLVIII. No Matter or Thing done or Contract entered into by the Local Board of Health, nor any Matter or Thing done by any Superintending Inspector or any Member of a Local Board, or by any Officer or Person acting under the Direction of a Local Board, shall, if the Matter or Thing were done or the Contract were entered into bonâ fide for the Purpose of executing this Act, subject them or any of them personally to any Action, Liability, Claim, or Demand whatsoever; and any Expense incurred by any such Local Board, Member, Officer, or Person acting as last aforesaid, shall be borne and repaid out of the General District Rates levied under the Authority of this Act.

Exemptions from Stamp Duty.

CLIX. No Deed, Award, Submission, Instrument, Contract, Agreement, Receipt, or Writing, made or executed by or to the said General Board of Health or Local Board, their Officers or Servants, under or for the Purposes of this Act, nor any Appointment by the General Board of Health or Local Board of any Officer or Person under this Act, shall be chargeable with any Stamp Duty whatever.

Local Board may levy a Highway Rate in certain Cases.

CLX. In Districts constituted in pursuance of the Public Health Act, 1848, or any Local Act incorporating the said Public Health Act, or any Part thereof, the Local Board may, notwithstanding that they adopt the Provisions of this Act as to Streets and Roads, levy a Highway Rate, and pay the Expenses incurred by them

them in respect of such Streets and Roads out of such Rate, in Cases where such Board is at the Time of the passing of this Act empowered by any Local Act of Parliament to levy such Rate.

Local Board may retain Power of purchasing Land.

CLXI. In such Districts as last aforesaid the Local Board may, notwithstanding that they adopt this Act, wholly or partially, put in force, in the same Manner as if this Act had not been passed, any of the Powers of the Lands Clauses Consolidation Act, 1845, or of any other Act of Parliament, in relation to the compulsory Purchase of Land, in Cases where they are authorized to put the same in force by any Act of Parliament passed previously to the passing of this Act.

Provision as to Cellar Clauses.

CLXII. In Districts constituted in pursuance of the Public Health Act, 1848, the Provisions herein-before contained in relation to Cellars and underground Rooms shall come into operation immediately upon the Adoption of this Act, either wholly or partially.

Power for Local Boards to divide Districts into Wards.

CLXIII. In Districts constituted in pursuance of the Public Health Act, 1848, the Local Board may, for the Purpose of electing Members of such Board, whether this Act is or not adopted by them, with the Consent of the General Board of Health, divide their District into Wards, and determine what Number of Members may be elected by each Ward, and the Rotation in which such Members are to vacate their Offices, and all other Matters requisite for carrying into effect the Objects of this Section.

Powers of Local Boards may be extended in certain Cases.

CLXIV. The General Board of Health may empower the Local Board of any District exercising any Powers vested in them of supplying Water or of making Sewers, whether or not they adopt this Act, wholly or partially, to borrow, on the Credit of any Rates or Charges leviable by them as such Local Board, any Sums of Money not exceeding in the whole the assessable Value for *Two* Years of the Premises assessable within the District in respect of which such Sum of Money may be borrowed; and for the Purpose of securing Repayment of the Monies borrowed, to mortgage the said Rates and Charges for such Term not exceeding *Fifty* Years as the Local Board, with the Sanction of the General Board of Health, shall in each Case determine; and such Mortgages shall respectively be deemed Mortgages under this Act or the Public Health Act, 1848.

Power to fill up casual Vacancies.

CLXV. In any District constituted in pursuance of the said Public Health Act, 1848, whether this Act is adopted or not in such District, any casual Vacancy occurring by Death, Resignation, Disqualification, or otherwise, in the Local Board, may within *One Month* be filled up by the Local Board out of qualified Persons, but the Member so chosen shall retain his Office so long only as the vacating Member would have retained the same if no Vacancy had occurred.

CLXVI. Nothing

CLXVI. Nothing in this Act contained shall in anywise abridge, lessen, or defeat any Power, Right, Privilege, or Liability of any Local Board of Health under or by virtue of any Local Act of Parliament. Powers of Local Boards not to be affected.

Oxford and Cambridge.

CLXVII. Nothing herein contained with respect to the Constitution of Local Boards shall apply to the City of Oxford, or the Parts within the Jurisdiction of the Commissioners for amending certain Mileways leading to Oxford, and making Improvements in the University and City of Oxford, the Suburbs thereof, and the adjoining Parish of Saint Clement (which Commissioners are herein-after called the Oxford Commissioners), to the Borough of Cambridge, or the Parts within the Jurisdiction of the Commissioners acting under an Act of the Thirty-fourth Year of the Reign of King George the Third, for amending and enlarging the Powers of a former Act of the same Reign, for the better paving, cleansing, and lighting the Town of Cambridge, for removing and preventing Obstructions and Annoyances, and for widening the Streets, Lanes, and other Passages within that Town (which Commissioners are herein-after called the Cambridge Commissioners). Exception of Oxford and Cambridge.

CLXVIII. The City of Oxford, together with the Parts within the Jurisdiction of the Oxford Commissioners, shall be deemed to constitute One Town within the Provisions of this Act, and the Oxford Commissioners shall be deemed to be a Board of Improvement Commissioners authorized to adopt this Act; and if the Act is adopted, either wholly or partially, by such Board, the District so formed shall be called the Oxford District. Adoption of Act by Oxford.

CLXIX. The Borough of Cambridge, together with the Parts within the Jurisdiction of the Cambridge Commissioners, shall be deemed to constitute One Town within the Provisions of this Act, and the Cambridge Commissioners shall be deemed to be a Board of Improvement Commissioners authorized to adopt this Act; and if this Act is adopted, either wholly or partially, by such Board, the District so formed shall be called the Cambridge District. Adoption of Act by Cambridge.

CLXX. The Local Board of the Oxford District shall consist of the Mayor of Oxford and the Vice-Chancellor of the University of Oxford, and of *Forty-five* Commissioners; *Fifteen* to be elected by the University of Oxford, *Fifteen* by the Town Council of Oxford, and *Fifteen* by the Ratepayers of the Parishes situate within the Jurisdiction of the Oxford Commissioners; and the Election of such Commissioners shall be conducted in the same Way and subject to the same Regulations in and subject to which the Members constituting Local Board of Oxford District.

stituting the Body of Oxford Commissioners are now respectively chosen by such University, Town Council, and Ratepayers.

Local Board of Cambridge District.

CLXXI. The Cambridge Commissioners for the Time being shall be the Local Board of Health of the Cambridge District.

Quota of Rates to be paid by the Universities, &c.

CLXXII. Nothing in this Act shall be deemed to alter or interfere with the Liability of the Universities of Oxford and Cambridge respectively to contribute in the Proportion and Manner specified in any Local Act under which the Oxford and Cambridge Commissioners respectively are at the Time of the passing of this Act acting, towards the Expense of paving and pitching, repairing, lighting, and cleansing under the Powers of any such Local Act, the several Streets, Lanes, Ways, Alleys, Passages, and Places within the Jurisdiction of such Commissioners respectively; and in case any Difference arises between either of the said Universities and the Local Board of Health with respect to the Proportion and Manner in which the University ought to contribute towards any Expenses under this Act, and to which the Univerity is not liable under any such Local Act, the same shall be settled by Arbitration in manner provided by this Act; and all Rates, Contributions, and Sums of Money which may become payable under this Act by the said Universities respectively, and their respective Halls and Colleges, may be recovered from such Universities, Halls, and Colleges, in the same Manner in all respects as Rates, Contributions, and Sums of Money may now be recovered from them by virtue of any Local Act.

Saving Clauses.

Saving Clause for Proprietors of Canals, &c.

CLXXIII. No Power given by this Act shall be exercised in such Manner as to do the following Things or any of them:

(1.) To interfere with any River, Canal, Dock, Harbour, or Basin, so as to injuriously affect the Navigation thereon, or the Use thereof, or to interfere with any Towing-path so as to interrupt the Traffic thereof, in Cases where any Corporation, Company, Undertakers, Commissioners, Conservators, and Trustees, or Individuals are by virtue of any Act of Parliament entitled to navigate on or use such River, Canal, Dock, Harbour, or Basin, or in respect of the Navigation on or Use of which River, Canal, Dock, Harbour, or Basin any Corporation, Company, Undertakers, Commissioners, Conservators, and Trustees, or Individuals are entitled by virtue of any Act of Parliament to the Receipt of any Tolls or other Dues:

(2.) To

(2.) To interfere with any Watercourse in such Manner as to injuriously affect the Supply of Water to any River, Canal, Dock, Harbour, Reservoir, or Basin, in Cases where any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals, (being authorized by virtue of any Act of Parliament to navigate on or use such River, Canal, Dock, Harbour, Reservoir, or Basin, or to demand any Tolls or Dues in respect of the Navigation on or Use of such River, Canal, Dock, Harbour, Reservoir, or Basin,) would, if this Act had not passed, have been entitled by Law to prevent or be relieved against such Interference:

(3.) To interfere with any Bridges crossing any River, Canal, Dock, Harbour, or Basin, in Cases where any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals are authorizeed by virtue of any Act of Parliament to navigate or use such River, Canal, Dock, Harbour, or Basin, or to demand any Tolls or Dues in respect of the Navigation or Use of such River, Canal, Dock, Harbour, or Basin:

(4.) To execute any Works in, through, or under any Wharves, Quays, Docks, Harbours, or Basins, to the exclusive Use of which any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals are entitled by virtue of any Act of Parliament, or for the Use of which they are entitled by virtue of any Act of Parliament to demand any Tolls or Dues;

Without the Consent in every Case of such Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals as are herein-before in that Behalf respectively mentioned, such Consent to be expressed in Writing, in the Case of a Corporation under their Common Seal, and in the Case of a Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals, under the Hand of their Clerk or other duly authorized Officer or Agent.

Works which interfere with Improvement to be referred to Arbitration.

CLXXIV. In Cases where any Matters or Things proposed to be done by any Local Board, and which are not within the Prohibition aforesaid, interfere with the Improvement of any River, Canal, Dock, Harbour, Basin, or Towing-path which any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals are entitled by virtue of any Act of Parliament to navigate on or use, or in respect of the Navigation whereon or Use whereof to demand any Tolls or Dues, or interfere with any Works belonging to such River, Canal, Dock, Harbour, or Basin, or with any Land necessary for the Enjoyment or Improvement thereof, the Local Board shall

give to such Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individnals as last aforesaid, a Notice specifying the Particulars of the Matters and Things so intended to be done; and if the Parties on whom such Notice is served do not consent to the Requisitions thereof, the Matter in difference shall be referred to Arbitration in manner herein-before provided, and the following Questions shall be decided by such Arbitration; (that is to say,)

(1.) Whether the Matters or Things so proposed to be done by the Local Board will cause any Injury to such River, Canal, Dock, Harbour, Basin, Towing-path, Works, or Land as are herein-before mentioned in this Section, or to the Enjoyment or Improvement of such River, Canal, Dock, Harbour, or Basin as aforesaid:

(2.) Whether any Injury that may be caused by such Matters or Things or any of them is or not of a Nature to admit of being fully compensated by Money.

Effect of Arbitration.

CLXXV. The Result of any such Arbitration shall be final, and the Local Board shall do as follows; (that is to say,)

If the Arbitrators are of opinion that no Injury will be caused, the Local Board may forthwith proceed to do the proposed Matters and Things:

If the Arbitrators are of opinion that Injury will be caused, but that such Injury is of a Nature to admit of being fully compensated by Money, they shall proceed to assess such Compensation; and upon Payment of the Amount so assessed, but not before, the Local Board may proceed to do the proposed Matters and Things:

If the Arbitrators are of opinion that Injury will be caused, and that it is not of a Nature to admit of being fully compensated by Money, the Local Board shall not proceed to do any Matter or Thing in respect of which such Opinion may be given.

Saving Clause as to Transfer.

CLXXVI. No Transfer of Powers and Privileges under this Act shall deprive any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals authorized by virtue of any Act of Parliament to navigate on any River or Canal, or to demand for their own Benefit in respect of such Navigation any Tolls or Dues, of such Powers and Privileges as are vested in them by any Act of Parliament in relation to such River or Canal.

Power for Corporation to alter Sewers.

CLXXVII. Any Corporation, Company, Undertakers, Commissioners, Conservators, Trustees, or Individuals authorized by virtue of any Act of Parliament to navigate on or use any River, Canal, Dock, Harbour,

Harbour, or Basin, or to demand any Tolls or Dues in respect of the Navigation on such River or Canal or the Use of such Dock, Harbour, or Basin, may, at their own Expense, and on substituting other Sewers, Drains, Culverts, and Pipes equally effectual, take up, divert, or alter the Level of any Sewers, Drains, Culverts, or Pipes constructed by any Local Board, and passing under or interfering with such Rivers, Canals, Docks, Harbours, or Basins, or the Towing-paths of such Rivers, Canals, Docks, Harbours, or Basins, and do all such Matters and Things as may be necessary for carrying into effect such taking up, Diversion, or Alteration.

Saving Clause for Rights of Millowners, &c.

CLXXVIII. No Power given by this Act shall be exercised in such Manner as to injuriously affect the Supply, Quality, or Fall of Water contained in any Reservoir, River, or Stream, or any Feeders of such Reservoir, River, or Stream, in Cases where any Company or Individual are entitled for their own Benefit to the Use of such Reservoir, River, or Stream, or to the Supply of Water contained in such Feeders, for the Purpose of any Mills, Mines, Print Works, Bleach Works, or other Trade Purposes without the Consent in Writing of the Parties so entitled to the Use of such Reservoirs, Rivers, Streams, and Feeders, and also of the Owners thereof, in Cases where the Owners and Parties so entitled are not the same Persons.

Arbitration Questions under preceding Sections.

CLXXIX. Any Difference of Opinion that may arise between a Local Board and any such Corporation, Company, Commissioners, Conservators, Trustees, or Individuals as aforesaid, whether any Sewers, Drains, Culverts, or Pipes substituted under the Powers of this Act for Sewers, Drains, Culverts, or Pipes constructed or laid down by any Local Board are equally effectual with those for which they are substituted, or whether the Supply, Quality, or Fall of Water in any such Reservoir, River, or Stream as last aforesaid is injuriously affected by the Exercise of Powers under this Act, shall be determined by Arbitration in the Manner herein-before provided; and in the latter Case the Arbitrators shall decide the same Questions as to the alleged Injury; and the Local Board shall proceed in the same Way as is herein-before provided with regard to Arbitrations in Cases of alleged Injury to Rivers, Canals, Docks, Harbours, and Basins.

Existing Liabilities to make Sewers, &c. not to be discharged.

CLXXX. Notwithstanding the Adoption of this Act by any District the Liability of any Person to defray or contribute towards the Expense of making, completing, altering, amending, or maintaining any Sewer, or any Walls or Works for protecting the Land against the Force or Encroachment of the Sea, or of paving or flagging or putting in order any Street or Road, or any Part thereof

within the District, shall, if incurred previously to the Time when this Act is so adopted, continue, and the same may be enforced, as if this Act had not been passed, and the Rates to be levied under this Act shall be made only for Purposes to which such Liability does not extend.

Saving Clause for Rights of Waterworks Companies.

CLXXXI. No Power given by this Act shall be exercised in such a Manner as injuriously to affect the Waterworks of any Waterworks Company incorporated by Act of Parliament or by Royal Charter, or the Quality or Quantity of the Water supplied thereto, without the Consent in Writing of such Company.

Act not to affect Nuisances at Common Law.

CLXXXII. Nothing in this Act contained shall be construed to render lawful any Act or Omission on the Part of any Local Board or Person which is, or but for this Act would be, deemed to be a Nuisance at Common Law, nor to exempt any Local Board or Person guilty of Nuisance at Common Law from Prosecution or Action in respect thereof, nor from the Consequences upon being convicted thereof.

Saving Rights of Occupiers as to private Expenses.

CLXXXIII. In Cases where in pursuance of any Public Local Act of Parliament passed before this Act, the Occupier of any Premises in a Place is entitled to deduct from the Rent payable to his immediate Landlord the whole Amount paid by such Occupier in respect of such Expenses as are herein-before called Private Expenses, he may, notwithstanding that this Act is adopted wholly or partially in such Place, continue to make a like Deduction.

Saving Clause as to Metropolitan Roads.

CLXXXIV. Notwithstanding anything in this Act contained, it shall not be lawful for any Local Board to open or in any way disturb any of the public Roads or Footpaths under the Charge of the Commissioners of the Metropolis Turnpike Roads North of the Thames, or of the Trustees of the New Cross Turnpike Roads, except upon the Conditions and subject to the Regulations herein-after contained; that is to say,

(1.) The Local Board shall leave at the Office of the Turnpike Commissioners or Trustees *Seven* Days previous Notice containing full Particulars of any Works intended to be executed by them and affecting any of such Roads:

(2.) If the General Surveyor of the Commissioners or Trustees directs the Works to be on any particular Part of such Roads, the Local Board shall be bound to obey such Directions:

(3.) Except by the Permission of the Commissioners or Trustees, the Traffic of any of the said Roads shall not at One Time be stopped or in any way hindered along more than

than Half of its Width, nor, if the Half left open is of less than the clear Width of Fourteen Feet, along more than *One hundred* Yards in Length, and no Alteration shall be made in the Inclination of any of the Metropolitan Roads of more than *One Foot* in Sixty Feet.

(4.) All Works shall be done under the Superintendence of the General Surveyor; and all such Precautions as he may direct for the Protection and Convenience of the Public shall be taken by and at the Expense of the Party doing the Works, and in default the said General Surveyor shall cause to be done in that Behalf what he may think proper; and the Party doing the Work shall in all Cases of Damage occurring by reason of such Works, and whether such Precautions are or not taken, be answerable to the Person suffering such Damage, the said Commissioners or Trustees being hereby absolved from all Liability in respect of the Consequences of such Works:

(5.) The Party doing the Works shall, as regards every Road opened or disturbed, restore the same to its original State as to Surface and Materials, and, in order to meet the future Expenses consequent upon the Subsidence of Materials newly filled in, shall pay to the said Commissioners or Trustees, on Demand, such Sum as they may require for that Purpose, not exceeding *One Shilling* for every superficial Square Yard, and, so far as the Works affect the same, shall make good all Drainage, paving of Water Channels, Kerbs of Footpaths, and other Matters and Things connected with the Maintenance of the said Roads, and in default the said General Surveyor may cause to be done in that Behalf what he may think fit; and in all Cases of Expense incurred by the said General Surveyor on the Default of the Party doing the Works, such Party shall pay such Expense to the Commissioners or Trustees, on Demand.

Saving Clause as to Transfer of Powers.

CLXXXV. Notwithstanding anything in this Act contained, no Powers and Privileges vested in any Local Authority having Jurisdiction within any District constituted under the Public Health Act, 1848, by virtue of any Act passed since the said Public Health Act was passed, shall, upon the Adoption of this Act, either wholly or partially, by such District, be transferred to or vested in the Local Board of Health thereof.

Saving existing Debts.

CLXXXVI. All Debts incurred and Contracts and Engagements entered into by or to any Local Board previously to the Adoption of this Act, either wholly or partially, may be enforced, and all Powers

vested in any Local Board of raising Money by Rates, Tolls, or other Means for the Purpose of satisfying all such of the said Debts, Contracts, and Engagements as were incurred or entered into by such Local Board, may be exercised in the same Manner as if no such Adoption had taken place; and it shall be lawful for the Local Board, if they think fit, to raise Money for satisfying such Debts, Contracts, and Engagements as last aforesaid by and out of any Property belonging to them, or by and out of any Rates, Tolls, or other Monies leviable by them under this Act, in the Stead of satisfying the same by and out of such Rates, Tolls, or other Means as are firstly herein-before mentioned.

Public Health Act, 1848, *not to be applied to new Districts.*

Public Health Act, 1848, not to be applied in future.

CLXXXVII. The Public Health Act, 1848, shall not, after *the passing of this Act*, be applied to any District.

SCHE-

SCHEDULE

FORM A.

Voting Paper.

At a Meeting held on the Day of it was agreed that the following Resolution should be proposed to the Ratepayers:—

"That the Public Health Act, 1858, be adopted, with the Exception of the Provisions with respect to Streets and Roads."

	In favour of.	Against.	Number of Votes.	
			As Owner.	As Ratepayer.
Do you vote in favour of or against the Adoption of this Resolution? - -	*J. S.*			

John Smith,
of 19, Fore Street.

N.B.—The Ratepayer will put his Initials under the Heading "in favour" or "against," according as he votes for or against the Resolution. He is also required to subscribe his Name and Address at full Length. If a Voter cannot write, he must make his Mark instead of Initials, but such Mark must be attested by a Witness, and such Witness must write the Initials of the Voter against his Mark. If a Proxy vote, he must add after his Signature the Words "as Proxy for," with the Name of the Corporation or Company for which he is Proxy. This Paper will be collected on the of , between the Hours of and .

TAKE NOTICE.—"If any Person wilfully commits any of the Acts following, that is to say, fabricates, in whole or in part, alters, defaces, destroys, abstracts, or purloins any Voting Paper, or personates any Person entitled to vote in pursuance of the Public Health Act, 1855, or falsely assumes to act in the Name or on the Behalf of any Person so entitled to vote, or interrupts the Distribution of any Voting Papers, or distributes the same under a false Pretence of being lawfully authorized so to do, he shall for every such Offence be liable, on Conviction before Two Justices, to be imprisoned, in the Common Gaol or House of Correction for any Period not exceeding *Three* Months, with or without Hard Labour."—(*Public Health Act*, 1858, Section 17.)

FORM B.

Voting Paper.

Number of Members to be elected,

The following Candidates are nominated as Members of the Local Board:

Candidates.	Residence.	Nominated by	Seconded by	—	Number of Votes.	
					As Owner.	As Ratepayer.
John Brown -	17, Charles Street	Richard Round, of 20, Queen's Square.	Robert Ready, of 2, Vere Street.	*T.E.*	1	2
John Smith -	2, Ely Place -	William Mill, 4, Feathers Court.	Charles Cook, 20, Balls Alley.	—		
John Jones -	- - -	- - -	- - -	*T.E.*		
JohnRobinson	- - -	- - -	- - -	*T.E.*		

Thomas Evans,
of

N.B.—The Ratepayer can vote for Candidates. He will put his Initials opposite the Name of the Person for whom he votes. He is also required to subscribe his Name and Address at full Length. If a Voter cannot write, he must make his Mark instead of writing his Initials, but such Mark must be attested by a Witness, and the Witness must write the Initials of the Voter against his Mark. If a Proxy vote, he must add after his Signature the Words "as Proxy for," with the Name of the Corporation or Company for which he is Proxy. This Paper will be collected on the Day of , between the Hours of and .

TAKE NOTICE.—"If any Person wilfully commits any of the Acts following, that is to say, fabricates, in whole or in part, alters, defaces, destroys, abstracts, or purloins any Voting Paper, or personates any Person entitled to vote in pursuance of the Public Health Act, 1855, or falsely assumes to act in the Name or on the Behalf of any Person so entitled to vote, or interrupts the Distribution of any Voting Papers, or distributes the same under a false Pretence of being lawfully authorized so to do, he shall for every such Offence be liable, on Conviction before Two Justices, to be imprisoned in the Common Gaol or House of Correction for any Period not exceeding *Three* Months, with or without Hard Labour."—(*Public Health Act*, 1858, Section 17.)

Public Health Act (1848) Amendment.

A

BILL

To amend the Public Health Act, 1848, and to make further Provision for Town Improvement.

(*Prepared and brought in by Mr. Cowper and Mr. Massey.*)

Ordered, by The House of Commons, *to be Printed,* 10 *December* 1857.

[Bill 5.]

Under 12 *oz.*

A

BILL

FOR

Vesting in the Privy Council certain Powers for the Protection of the Public Health.

WHEREAS under an Act of the last Session of Parliament, Chapter Thirty-eight, the General Board of Health stands continued only until the First Day of September One thousand eight hundred and fifty-eight: And whereas it is expedient to vest in the Privy Council certain Powers now vested in the said General Board of Health, and certain other Powers for the Protection of the Public Health: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 20 & 21 Vict. c. 38.

I. In addition to the Powers vested in Her Majesty's Most Honourable Privy Council for the Protection of the Public Health, all Powers now vested in the General Board of Health under the "Diseases Prevention Act, 1855," shall, upon the Discontinuance of the said Board, be vested in the said Privy Council, and the Provisions of the said Act having reference to the General Board of Health and the Regulations and Directions issued by them, except Section Thirteen, shall be construed as referring to such Privy Council and the Regulations and Directions issued by them. Powers of General Board of Health under 18 & 19 Vict. c. 116. added to those of the Privy Council.

II. The

Certain Powers in relation to Public Vaccination vested in Privy Council. 3 & 4 Vict. c. 29.

II. The Privy Council may from Time to Time issue such Regulations as they think fit for securing the due Qualification of Persons to be hereafter contracted with by Guardians and Overseers of Unions and Parishes in England for the Vaccination of Persons resident in such Unions and Parishes, and for securing the efficient Performance of Vaccination by the Persons already or hereafter to be contracted with as aforesaid; and the Poor Law Commissioners, in the Exercise of their Powers, and all Guardians and Overseers and Persons contracted with as aforesaid shall conform to such Regulations; and any Money from Time to Time provided by Parliament for or towards defraying the Expenses of the National Vaccine Establishment, or otherwise providing for the Supply of Vaccine Lymph, shall be applied under the Directions of the Privy Council.

Privy Council may direct Inquiries.

III. The Privy Council may from Time to Time cause to be made such Inquiries as they see fit in relation to any Matters concerning the Public Health, and to the Observance of the Regulations and Directions issued by them under this Act.

Power to Privy Council to appoint Medical Council and Medical Officer, &c.

IV. The Powers of appointing and removing a Medical Officer, vested in the General Board of Health under the General Board of Health Continuance Act, 1855, shall, upon the Discontinuance of that Board, be vested in the Privy Council; and the Person who at the Time of the Cesser of the General Board of Health may be their Medical Officer shall become the Medical Officer of the Privy Council, subject to such Power of Removal as aforesaid; and the Privy Council may also from Time to Time employ such other Persons as they deem necessary for the Purposes of this Act; and there shall be paid to the Medical Officer and other Persons such Salaries, Remuneration, and Allowances as the Commissioners of Her Majesty's Treasury may direct; and such Salaries, Remuneration, and Allowances shall be paid out of such Monies as shall be provided by Parliament.

Medical Officer to report annually as to the Execution of this Act.

V. The Medical Officer shall from Time to Time report to the Privy Council in relation to any Matters concerning the Public Health which may be referred to him for that Purpose, and shall, in or before the Month of *March* in each Year, report to the Privy Council the Proceedings had and taken under this Act during the preceding Year ending on the Thirty-first Day of December.

Reports to be laid before Parliament.

VI. The Annual Report made by the Medical Officer as aforesaid shall be laid before both Houses of Parliament within *Fourteen* Days after the making thereof if Parliament be sitting, and, if not, then within *Fourteen* Days after the next Meeting of Parliament, together with

with all other Reports made by him under this Act, during the Period to which such Annual Report relates.

Making and Authentication of Orders, &c.

VII. All Powers vested in the Privy Council by this Act may be exercised by any *Three* or more of the Lords and others of the Privy Council, the Vice President of the Committee of the said Privy Council on Education being One of them, and all Orders, Regulations, Directions, and Acts of the Privy Council under this Act shall be sufficiently made and signified by a written or printed Document, signed by One of the Clerks of the Privy Council, or such Officer as may be appointed by the Privy Council in this Behalf; and all Orders, Regulations, Directions, and Acts made or signified by any written or printed Document purporting to be so signed shall be deemed to have been duly made, issued, and done by the Privy Council, and every such Document shall be received in Evidence in all Courts and before all Justices and others without Proof of the Authority or Signature of such Clerk or other Officer, or other Proof whatsoever, until it be shown that such Document was not duly signed by the Authority of the Privy Council.

Short Title.

VIII. This Act may be cited as "The Public Health Act, 1858."

Public Health.

A

BILL

For vesting in the Privy Council certain Powers for the Protection of the Public Health.

(*Prepared and brought in by Mr. Adderley and Mr. Secretary Walpole.*)

Ordered, by The House of Commons, *to be Printed*, 17 *May* 1858.

[Bill 88.]

Under 1 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

FOR

Vesting in the Privy Council certain Powers for the Protection of the Public Health.

Preamble. 20 & 21 Vict. c. 38.

WHEREAS under an Act of the last Session of Parliament, Chapter Thirty-eight, the General Board of Health stands continued only until the First Day of September One thousand eight hundred and fifty-eight: And whereas it is expedient to vest in the Privy Council certain Powers now vested in the said General Board of Health, and certain other Powers for the Protection of the Public Health: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Powers of General Board of Health under 18 & 19 Vict. c. 116. added to those of the Privy Council.

I. In addition to the Powers vested in Her Majesty's Most Honourable Privy Council for the Protection of the Public Health, all Powers now vested in the General Board of Health under the "Diseases Prevention Act, 1855," shall, upon the Discontinuance of the said Board, be vested in the said Privy Council, and the Provisions of the said Act having reference to the General Board of Health and the Regulations and Directions issued by them, except Section Thirteen, shall be construed as referring to such Privy Council and the Regulations and Directions issued by them.

II. The

Certain Powers in relation to Public Vaccination vested in Privy Council.
3 & 4 Vict. c. 29.

II. The Privy Council may from Time to Time issue such Regulations as they think fit for securing the due Qualification of Persons to be hereafter contracted with by Guardians and Overseers of Unions and Parishes in England for the Vaccination of Persons resident in such Unions and Parishes, and for securing the efficient Performance of Vaccination by the Persons already or hereafter to be contracted with as aforesaid; and any Money from Time to Time provided by Parliament for or towards defraying the Expenses of the National Vaccine Establishment, or otherwise providing for the Supply of Vaccine Lymph, shall be applied under the Directions of the Privy Council.

Privy Council may direct Inquiries.

III. The Privy Council may from Time to Time cause to be made such Inquiries as they see fit in relation to any Matters concerning the Public Health in any Place or Places, and to the Observance of the Regulations and Directions issued by them under this Act.

Privy Council to appoint Medical Officer, &c.

IV. The Powers of appointing and removing a Medical Officer, vested in the General Board of Health under the General Board of Health Continuance Act, 1855, shall, upon the Discontinuance of that Board, be vested in the Privy Council; and the Person who at the Time of the Cesser of the General Board of Health may be their Medical Officer shall become the Medical Officer of the Privy Council, subject to such Power of Removal as aforesaid; and the Privy Council may also from Time to Time temporarily employ such other Persons as they deem necessary for the Purposes of this Act; and there shall be paid to the Medical Officer such Salary not exceeding Fifteen hundred Pounds per Annum, and to such other Persons such Remuneration and Allowances, as the Commissioners of Her Majesty's Treasury may direct; and such Salary, Remuneration, and Allowances shall be paid out of such Monies as shall be provided by Parliament.

Medical Officer to report annually as to the Execution of this Act.

V. The Medical Officer shall from Time to Time report to the Privy Council in relation to any Matters concerning the Public Health which may be referred to him for that Purpose, and shall, in or before the Month of March in each Year, report to the Privy Council the Proceedings had and taken under this Act during the preceding Year ending on the Thirty-first Day of December.

Reports to be laid before Parliament.

VI. The Annual Report made by the Medical Officer as aforesaid shall be laid before both Houses of Parliament within Fourteen Days after the making thereof if Parliament be sitting, and, if not, then within Fourteen Days after the next Meeting of Parliament, together with

with all other Reports made by him under this Act, during the Period to which such Annual Report relates.

Making and Authentication of Orders, &c.

VII. All Powers vested in the Privy Council by this Act may be exercised by any Three or more of the Lords and others of the Privy Council, the Vice President of the Committee of the said Privy Council on Education being One of them, and all Orders, Regulations, Directions, and Acts of the Privy Council under this Act shall be sufficiently made and signified by a written or printed Document, signed by One of the Clerks of the Privy Council, or such Officer as may be appointed by the Privy Council in this Behalf; and all Orders, Regulations, Directions, and Acts made or signified by any written or printed Document purporting to be so signed shall be deemed to have been duly made, issued, and done by the Privy Council, and every such Document shall be received in Evidence in all Courts and before all Justices and others without Proof of the Authority or Signature of such Clerk or other Officer, or other Proof whatsoever, until it be shown that such Document was not duly signed by the Authority of the Privy Council.

Proceedings for Penalties under Vaccination Acts.

VIII. Proceedings for Penalties under the Acts for the Time being in force on the Subject of Vaccination may be taken on the Complaint of any Registrar employed for the Registration of Births, Deaths, and Marriages, Public Vaccinator, or Officer authorized by the Board of Guardians or by the Overseers respectively, and the Cost of such Proceedings shall be defrayed out of the Common Fund of the Union, or out of the Poor Rates of any Parish not included in a Union.

Short Title.

IX. This Act may be cited as "The Public Health Act, 1858."

A

BILL

[AS AMENDED IN COMMITTEE]

For vesting in the Privy Council certain Powers for the Protection of the Public Health.

(*Prepared and brought in by Mr. Adderley and Mr. Secretary Walpole.*)

Ordered, by The House of Commons, *to be Printed*, 21 *June* 1858.

[Bill 149.]

Under 1 *oz.*

A

B I L L

TO

Amend the Law relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies being also Railway Companies.

WHEREAS by the Act passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter Eighty-five, Section Six, it is enacted, amongst other things, with respect to the Cheap Trains thereby required to be provided in certain Cases, that the Fare or Charge for each Third-class Passenger by any such Train shall not exceed One Penny for each Mile travelled: And whereas it is expedient to amend the said Act in manner herein-after mentioned: And whereas it is also expedient to amend the Act passed in the Ninth Year of the Reign of Her present Majesty, Chapter Forty-two, intituled "An Act to enable Canal Companies to become Carriers of "Goods upon their Canals," by restraining as herein-after mentioned the Exercise of certain Powers therein contained: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 7 & 8 Vict. c. 85. 8 & 9 Vict. c. 42.

I. When

For Fractions exceeding Half a Mile a Halfpenny may be charged.

I. When the Distance travelled by any Third-class Passenger by any Train run in compliance with the Provisions relating to Cheap Trains contained in the said Act of the Seventh and Eighth of Victoria, Chapter Eighty-five, is a Portion of a Mile, and does not amount to One Mile, or when such Distance amounts to One Mile, or Two or more Miles, and a Portion of another Mile, the Fare or Charge for such Portion of a Mile, if the same exceeds One Half Mile, may be *One Halfpenny*: Provided always, that for Children of *Three* Years and upwards, but under *Twelve* Years of Age, the Fare or Charge shall not exceed Half the Charge for an adult Passenger.

Rates heretofore charged not exceeding those allowed by this Act not to be deemed excessive.

II. After the *passing of this Act*, no Fare heretofore charged to or received from any Third-class Passenger by any such Train as aforesaid shall in any Proceeding to be hereafter instituted be deemed to have exceeded the Rate prescribed in such Case by the said Act of the Seventh and Eighth of Victoria, Chapter Eighty-five, if the same shall not have exceeded the Rate allowed by the said Act as amended by this Act.

Canal Companies, being also Railway Companies, not to take Leases of Canals unless specially authorized.

III. Notwithstanding anything contained in the said recited Act of the Ninth Year of Her Majesty, it shall not be lawful for any Canal or Navigation Company, being also a Railway Company, or entitled to work any Railway constructed under the Authority of any Act of Parliament, hereafter to accept a Lease of the whole or any Part of the Undertaking of any other Railway and Canal Company or of any Canal or Navigation Company, or of the Tolls, Dues, or Charges upon or in respect of the whole or any Part of any such Undertaking, except under the Powers of some Act or Acts heretofore passed or to be hereafter passed in which the Parties to any such Lease shall be specifically named and authorized to enter into the same.

Act to be in force for One Year.

IV. This Act shall continue in force for *One Year next after the passing thereof and thence to the End of the then next Session of Parliament.*

Railway Cheap Trains.

A

B I L L

To amend the Law relating to Cheap Trains, and to restrain the Exercise of certain Powers by Canal Companies being also Railway Companies.

(*Prepared and brought in by Mr. Henley and Mr. Hamilton.*)

Ordered, by The House of Commons, *to be Printed,*
8 *July* 1858.

[Bill 192.]

Under 1 *oz.*

(Ireland.)

A

BILL

TO

Continue "The Railways Act (Ireland), 1851."

WHEREAS an Act was passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the Reign of Her Majesty, Chapter Seventy, intituled "An Act to alter and amend certain Provisions of the Lands Clauses Consolidation Act, 1845, so far as relates to Ireland," which Act was to continue in force for Five Years next after the passing thereof, and thence to the End of the then next Session of Parliament: And whereas by an Act passed in the Session of Parliament held in the Nineteenth and Twentieth Years of the Reign of Her Majesty, Chapter Seventy-two, the said first-recited Act was continued for One Year next after the passing of that Act, and thence to the End of the then next Session of Parliament: And whereas it is expedient that the said first-recited Act should be further continued: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same: Preamble. 14 & 15 Vict. c. 70. 19 & 20 Vict. c. 72.

I. That the said first-recited Act shall continue in force for One Year next after the passing of this Act, and thence to the End of the then next Session of Parliament. Recited Act continued.

[Bill 147.]

Railways Act (Ireland) Continuance.

A

B I L L

To continue "The Railways Act (Ireland), 1851."

(Prepared and brought in by Lord Naas and Mr. Attorney General for Ireland.)

Ordered, by The House of Commons, *to be Printed,* 18 *June* 1858.

[Bill 147.]

Under 1 *oz.*

(Ireland.)

A

B I L L

TO

Amend the Laws relating to the Valuation of Rateable Property in Ireland, and the Assessment of Grand Jury Cess and Poor Rate thereon.

WHEREAS the Tenement Valuation of Rateable Property in Ireland, made and revised in pursuance of the Provisions of the Act Fifteenth and Sixteenth Victoria, Chapter Sixty-three, and the Seventeenth Victoria, Chapter Eight, amending the same, is now used as the Basis of public general as well as local Taxation, and it is expedient that the Expense of the annual Revision of such Valuation shall be defrayed out of the Public Funds, and that the Grand Jury and County Rates, and also the Rates for the Relief of the destitute Poor in Ireland, shall be assessed and applotted thereon by the Commissioner of Valuation in the several Counties and Unions within which the same is now or shall hereafter be completed, and otherwise to amend the Laws relating thereto: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same: Preamble. 15 & 16 Vict. c. 63. 17 Vict. c. 8.

I. The Commissioner of Valuation, and all other Persons heretofore appointed or acting under the said recited Act of the Fifteenth and Sixteenth Victoria, Chapter Sixty-three, shall and be and they are Commissioner of Valuation and others

to continue to act. 5, 15 & 16 Vict. c. 63.

are hereby authorized and required to continue to discharge and execute their several Duties and Offices for the Purpose of carrying this Act into execution, without any further or other Appointment thereto, until the Commissioners of Her Majesty's Treasury shall otherwise direct.

Lords Commissioners may appoint Commissioner of Valuation, &c. 6, 15 & 16 Vict. c. 63.

II. Upon the Death, Resignation, or Removal of such Commissioner of Valuation, or any other Commissioner of Valuation hereafter to be appointed, it shall and may be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to nominate and appoint One other fit and proper Person to be Commissioner of Valuation for the several Counties in Ireland, who shall hold such Office during the Will and Pleasure of the said Commissioners, and who shall carry out the Provisions of this Act at such Times, and in such Manner, and under such Regulations as such Commissioners of Her Majesty's Treasury shall order, direct, and appoint.

Commissioner of Valuation to appoint Surveyors, Writing Clerks, &c. 7, 15 & 16 Vict. c. 63.

III. It shall be lawful for any such Commissioner of Valuation, continued or appointed under this Act, to nominate and appoint from Time to Time any Number of Writing Clerks, Surveyors, Draughtsmen, and other Persons necessary to assist him in carrying out the Provisions of this Act, and from Time to Time to remove all or any such Persons, and to nominate any other Person or Persons to act in the Place and Stead of the Person or Persons so removed; and all such Person or Persons so continued or to be appointed shall be entitled to receive such Salary, with such Allowances for Travelling, Hotel, and other Expenses as may from Time to Time be fixed by the Commissioner of Valuation, with the Assent of the Commissioners of Her Majesty's Treasury; and on the Discontinuance of their Offices, or Removal therefrom, shall be entitled to such Superannuation Pension or Allowances as the Commissioners of Her Majesty's Treasury may determine.

Commissioner of Valuation may appoint supernumerary Clerks and other Persons to carry out Applotment, &c.

IV. The Commissioner of Valuation, with the Permission of the Commissioners of Her Majesty's Treasury, shall have Power from Time to Time, as Occasion may require, to nominate and appoint any Number of temporary or supernumerary Writing Clerks, Surveyors, Draughtsmen, and other Persons he may deem necessary to assist in carrying out the Provisions of this Act, at such Rates of Pay and Allowances (consistent with the Rates of Remuneration to be approved of by the Commissioners of Her Majesty's Treasury) as shall be fixed by such Commissioner; and from Time to Time to remove all or any of such Persons, without any further or other Compensation or Reward than the Salary and Allowances which shall have been paid them whilst so employed.

V. Within

Ten Days after each Assizes, Clerk of Crown to furnish Commissioner of Valuation with a Statement of Sums required to be levied.

V. Within *Ten* Days after the First Day appointed for holding each Assizes in any County, the Tenement Valuation of which has been or shall hereafter be completed, and within *Ten* Days after each Presenting Term for the County of Dublin, the Clerk of the Crown for each such County shall transmit or deliver to the Commissioner of Valuation a true and correct Statement, signed by such Clerk of the Crown, of the gross Amount of all the Monies presented or authorized to be raised at each such Assizes for County or Grand Jury Cess, off such County and off each Barony, Parish, Division, District, Townland, or other Denomination therein; and the said Commissioner of Valuation is hereby authorized and required to applot and assess the various Sums so presented or authorized to be raised upon the several and respective rateable Tenements and Hereditaments liable to the Payment thereof by a Poundage Rate thereon, according to the net annual Value thereof, as set forth in the then last final or revised Lists of such Valuation.

Commissioner of Valuation to applot Rates.

Before 10th April in each Year, Boards of Guardians to furnish Commissioner of Valuation with Estimates of the Sums required to be raised.

VI. On or before the *Tenth Day of April One thousand eight hundred and fifty-nine*, and on or before the *Tenth Day of April* in every succeeding Year, the Board of Guardians of each Union whereof the Tenement Valuation has been or shall hereafter be completed shall estimate and ascertain as nearly as may be the Amount of the Sums of Money chargeable upon any Electoral Division which they shall find necessary for the Relief of the Poor for *Twelve* Months next following the *Tenth Day of April* in each Year, under the Provisions of an Act passed in the First and Second Years of the Reign of Her present Majesty, intituled "An Act for the more effectual Relief of the Destitute Poor in "Ireland," or of any Act or Acts amending the same; and the Chairman or Vice-Chairman and Clerk of each such Board of Guardians shall certify such Estimate, and transmit the same on or before the *Twentieth Day of April One thousand eight hundred and fifty-nine*, and on or before the *Twentieth Day of April* in each succeeding Year, to the Office of the Commissioner of Valuation; and the said Commissioner of Valuation is hereby authorized and required to applot and assess the same upon the several and respective rateable Tenements and Hereditaments liable to the Payment thereof by a Poundage Rate thereon, according to the net annual Value thereof, as set forth in the then last final or revised List of such Valuation, which Applotment and Assessment shall be made in such Form as the Commissioners for administering the Laws for the Relief of the destitute Poor in Ireland shall from Time to Time approve.

Commissioner of Valuation to applot Rates.

Applotments to be entered by Commissioner of Valuation in Books to be kept for that Purpose.

VII. All Applotments and Assessments to be so made by the Commissioner of Valuation shall be entered in Books, to be by him prepared and kept for that Purpose, and shall be signed by the said Commissioner or such other Person as he (with the Approval of the Commissioners of Her Majesty's Treasury) shall from Time to Time depute for that Purpose; and within *One Month* after the making each such Applotment or Assessment, the Commissioner of Valuation shall cause a Copy of so much thereof as shall relate to Grand Jury Rates or Assessments to be transmitted to the Treasurer of each County within which the Tenements and Hereditaments therein mentioned shall be situate; and shall, within a like Period, cause a Copy of so much thereof as shall relate to any Rate for the Relief of the destitute Poor to be transmitted to the Guardians of the Poor of each Union within which the Tenements and Hereditaments therein mentioned shall be situate; and each such Treasurer and each such Board of Guardians shall cause every such Copy to be kept open in their respective Offices for public Inspection at all reasonable Times; and all such Applotments and Assessments, and Copies thereof, may be either wholly or in part in Print or Manuscript.

Commissioner of Valuation to transmit Applotment to Treasurers and Poor Law Guardians.

Applotments and Assessments to be levied.

VIII. All Applotments, Assessments, and Rates to be so made and signed by the Commissioner of Valuation, or such other Person as shall be deputed for that Purpose, shall for all Purposes be as effectual as if the same had been applotted and made by the respective Boards of Guardians or Treasurers, and in the Manner and subject to the Provisions contained in the various Acts relating to the Applotment and making of Grand Jury and County Cess or Rates, and to Rates for the Relief of the destitute Poor in Ireland, and shall be deemed and taken to have been so made, and shall be paid, received, levied, recovered, and accounted for by such Persons and in such Manner and by all the Ways and Means by which Grand Jury Rates or County Cess or Poor Rate are or is now paid, received, levied, recovered, and accounted for.

In making Applotments Commissioner of Valuation may reject Fractions.

Rate not to be invalid by reason of Errors and Omissions, &c.

IX. In making any Applotment or Assessment under this Act, it shall not be necessary for the Commissioner of Valuation to take into account any smaller Fraction than the *One Fourth* Part of a Penny in the Pound; and no Rate or Assessment to be made or applotted under the Provisions of this Act shall be quashed, vitiated, or affected by reason of any Error, Omission, Misdescription, Misnomer, or Variance therein, nor by reason of any Excess, Deficiency, or Difference between any Sum or Sums authorized to be applotted, assessed, or raised and the Sum or Sums actually applotted or assessed, nor shall it be necessary in any Suit or other Proceeding for Recovery

Recovery of any Rate or Assessment to give Evidence of the Performance of any Preliminary required in the making of any such Assessment or Rate, or of the Valuation or Revision whereon the same shall be based; and the Commissioner of Valuation is hereby authorized to correct and amend all Errors, Omissions, and Mistakes which may occur in any such Assessment or Rate, or any Copy thereof, but no Alteration shall be made therein by any Treasurer or Board of Guardians without the Sanction of such Commissioner, anything contained in any other Act to the contrary notwithstanding.

Commissioner authorized to correct Errors, &c.

X. All Tolls and other Hereditaments and Tenements, and Half Rents, which are liable to be rated for the Relief of the destitute Poor in Ireland, shall be liable to the Payment of Grand Jury Cess, according to the annual Value thereof as contained in the final Lists of Valuation or any Revision thereof.

All Tolls of Roads, &c. which are liable to Poor Rate to be equally liable to the Payment of County Cess.

XI. From and after the *passing of this Act* it shall not be necessary for the Commissioner of Valuation to furnish Copies of the general Valuation, or of any Revision thereof, to any Treasurer or Board of Guardians, for the Purpose of having any Applotment, Assessment, or Rate made thereon.

Commissioner of Valuation not to furnish annually Copies of the revised Valuation to Treasurers and Boards of Guardians.

XII. The Expenses to be incurred by the Commissioner of Valuation in the Preparation of the Applotments, Assessments, and Rates mentioned in this Act, both for County and Poor Law Purposes, and the Copies thereof or otherwise in relation thereto, shall be paid by the respective Counties according to a Scale to be approved of by the Commissioners of Her Majesty's Treasury, and shall be advanced, levied, and raised in like Manner as is provided by the Act of the Fifteenth and Sixteenth Victoria, Chapter Sixty-three, for Payment of the Expenses of the Valuation in said Act mentioned.

Expense of Applotments to be paid by Grand Jury Presentment, as in 15 & 16 Vict. c. 63.

XIII. The Commissioner of Valuation is hereby authorized to supply Copies and Extracts from the Valuation and Assessment Books, and Copies and Tracings from all Maps or Plans and Portions thereof in his Custody, to the Court for Sale of Incumbered Estates in Ireland, and to all other Courts, Public Bodies, or Individuals requiring the same, charging for the same according to a Scale of Fees to be approved of by the Commissioners of Her Majesty's Treasury, which Fees shall be from Time to Time accounted for and applied in such Manner as the said Commissioners may direct.

Commissioner of Valuation authorized to furnish Extracts and Copies from Maps and Books, and to charge Fees for the same.

This Act, so far as the Applotment of Rates and Assessments, not to extend to the City of Dublin.

XIV. Nothing in this Act contained shall extend or be deemed or taken to extend to the Assessment of Rates in the County of the City of Dublin, but for the Purpose of making the Assessments mentioned in this Act the Portions of the North and South Dublin Unions situate in the County of Dublin shall be taken to be separate Unions situate wholly within the said County; and the Duties required by this Act to be discharged by Boards of Guardians, Clerks of Poor Law Unions, or by any of the Members of such Boards, in relation to such Assessments, shall, so far as regards the Portions of such Unions situate in the County of Dublin, be discharged by the respective Boards of Guardians and Clerks of such Unions, and by the respective Members of such Boards, in like Manner as if said Unions were situate wholly within the said County of Dublin.

Cases may be stated by Court of Quarter Sessions for the Opinion a Superior Court.

XV. Whereas it is expedient that Provision should be made for obtaining the Opinion of a Superior Court on any Questions of Law which may arise in relation to the Acts relating to the Valuation of rateable Property in Ireland: Be it enacted, That after the Hearing and Determination by any Court of General or Quarter Sessions of any Appeal to be made under the Provisions of the said Acts or any of them against any Valuation or Exemption, or against any Rating or Assessment to be made under the Provisions of this Act, the Commissioner of Valuation, or any other Party to such Appeal, if dissatisfied with the Determination of such Court, as being erroneous in point of Law, may, by Notice in Writing, signed by said Commissioner or by such other Party, or by the Attorney of such Commissioner or other Party, require the Chairman thereof to state and sign a Case setting forth the Facts and the Grounds of such Determination for the Opinion thereon of One of the Superior Courts of Law at Dublin, to be named in such Notice; and such Chairman shall state such Case in Writing, and sign the same, and transmit it to the Commissioner of Valuation within *One Month* after the Receipt of such Notice, and such Commissioner shall transmit the same to the Court named in the Application, first giving Notice in Writing of such Appeal, with a Copy of the Case so stated and signed, to the other Party to the Proceedings in which the Determination was given, or to the Attorney (if any) who shall have appeared for such Party at the Sessions.

Power to Superior Court to decide such Questions as may be referred thereto.

XVI. The Court to which a Case is transmitted under this Act shall hear and determine the Question or Questions of Law arising thereon, and shall thereupon reverse, affirm, or amend the Determination in respect of which the Case has been stated, or remit the Matter to the Court of General or Quarter Sessions, with the Opinion of the Court thereon, or may make such other Order in relation to the

the Matter, and to the Costs thereof, as to the Court may seem fit; and all such Orders shall be final and conclusive on all Parties; and the Court for the Opinion of which a Case is stated shall have Power to cause the Case to be sent back for Amendment, and thereupon the same shall be amended accordingly, and Judgment shall be delivered after it shall have been amended.

No Certiorari required.

XVII. The Authority and Jurisdiction hereby vested in a Superior Court for the Opinion of which a Case is stated under this Act shall and may (subject to any Rules and Orders of such Court in relation thereto) be exercised by a Judge of such Court sitting in Chamber, and as well in Vacation as in Term Time, and no Writ of Certiorari or other Writ shall be required for the Removal of any Conviction, Order, or other Determination in relation to which a Case is stated under this Act, or otherwise for obtaining the Judgment or Determination of the Superior Court on such Case under this Act; and the Judges of such Superior Court of Law, or any *Three* or more of them, of whom the Chief Justice of the Queen's Bench shall be One, may from Time to Time, and as often as they shall see Occasion, make and alter Rules and Orders to regulate the Practice and Proceedings in reference to the Cases herein-before mentioned.

Judge may make Rules.

Acts inconsistent with this Act hereby repealed.

XVIII. From and after the *passing of this Act* such Acts and Portions thereof relating to the making of any Rate for the Relief of the destitute Poor in Ireland, or to the making of any Grand Jury Rate or Assessment, or in anywise relating to the Valuation or Revision of the Valuation of rateable Property in Ireland, as are or is inconsistent with this Act, shall be and the same are hereby repealed.

Clerk of the Crown to include Finance Committee of the County of Dublin.

XIX. The Words Clerk of the Crown in this Act shall include the Finance Committee of the County of Dublin.

Acts to be construed together.

XX. This Act and the several Acts relating to the Valuation of rateable Property in Ireland shall be construed together and deemed and taken as One Act.

Rateable Property (Ireland).

A

BILL

To amend the Laws relating to the Valuation of Rateable Property in Ireland, and the Assessment of Grand Jury Cess and Poor Rate thereon.

(*Prepared and brought in by Lord Naas and Mr. Hamilton.*)

Ordered, by The House of Commons, *to be Printed,* 8 *July* 1858.

[Bill 190.]

Under 1 *oz.*

(Ireland.)

A

BILL

TO

Promote and regulate Reformatory Schools for juvenile Offenders in Ireland.

WHEREAS it is expedient to provide for the Establishment and Regulation of Reformatory Schools for the better training of juvenile Offenders in Ireland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. It shall and may be lawful for the Chief Secretary of the Lord Lieutenant of Ireland, upon Application made to him by the Directors or Managers of any such Institution, to direct One of Her Majesty's Inspectors General of Prisons in Ireland, or such Special Inspector of Reformatories as may be hereafter appointed by the Lord Lieutenant for Ireland, who is hereby authorized and empowered to appoint a fit and proper Person to be Inspector of Reformatory Schools in Ireland, if he shall think fit, to examine and report to him upon its Condition and Regulations; and any such Institution as shall appear to the Satisfaction of the said Chief Secretary, and shall be certified under his Hand and Seal, to be useful and efficient for its Purpose, shall be On Application from Managers Institution to the Chief Secretary, Inspector to report.

held to be a Reformatory School under the Provisions of this Act: Provided always, that it shall be lawful for any of Her Majesty's Inspectors General of Prisons, or such other Special Inspector of Reformatories as aforesaid; to visit from Time to Time any Reformatory School which shall have been so certified as aforesaid, and if upon the Report of any such Inspector the said Chief Secretary for the Time being shall think proper to withdraw his said Certificate, and shall notify such Withdrawal under his Hand to the Directors or Managers of the said Institution, the same shall forthwith cease to be a Reformatory School within the Meaning of this Act.

Power to Justices of a County or Council of Borough to grant Money in aid of Reformatory Schools.

II. It shall be lawful for the Grand Jury of any County, County of a City or County of a Town, at any Assizes, and for the Town Councils of the Boroughs of Dublin, Cork, and Limerick, upon the Application of the Directors or Managers of any Reformatory School for youthful Offenders already established in whole or in part by voluntary Contributions, or of the Promoters of a Reformatory School intended to be established, to present a Sum of Money in aid of such Reformatory School or of the Establishment thereof, to be raised off the said County or Borough, subject to such Conditions as may be agreed upon between such Grand Jury or Council and such Directors, Managers, or Promoters.

Money granted to be applied in Purchase of Site, in building, and for like permanent Objects.

III. The Money so presented or ordered to be raised under this Act in aid of a Reformatory School shall be applicable to the following Purposes; viz., towards defraying the Expenses of purchasing the Site of a School on its First Establishment, or the Site of any Extension or new Establishment for the Purposes of a School already established, or the Expenses of building or fitting up a School on its First Establishment, or erecting, altering, or enlarging or fitting up any Buildings for the Extension or Improvement of a School already established, and the Grand Jury or Council, as the Case may be, shall provide for the Application of such Money accordingly.

No Money to be granted to Schools already established unless certified. Plans to be approved by Chief Secretary.

IV. Provided, That no Money shall be presented or ordered to be raised as aforesaid under this Act in aid of any Reformatory School established at the Time of the Grant unless the Institution has been certified by the Chief Secretary as aforesaid, nor shall any Money be paid under any such Presentment or Order in aid of any School which shall have been so certified in case such Certificate shall have been withdrawn; and in every Case where Money is presented or ordered to be paid under this Act the Plan and Particulars of the School intended to be established, or of the Extension or new Establishment for the Purposes of a School already established (as the Case may be), shall, before Payment of Money under the said Presentment

sentment or Order, be submitted to and approved of by the Chief Secretary of the Lord Lieutenant of Ireland.

Justices or Council may contract with the Managers for the Reception of Offenders from their County or Borough.

V. It shall be lawful for the Grand Jury of any County, County of a City or County of a Town, and for the Council of such Borough as aforesaid, at a Special Meeting of such Council called for the Purpose, to appoint and empower a Committee of such Grand Jury or Council to enter into an Agreement with the Directors or Managers of any Reformatory School certified as aforesaid, for the Reception and keeping in such School from Time to Time of Offenders from such County or Borough sentenced to be detained in a Reformatory School, in consideration of such periodical Payments as may be agreed upon with such Managers or Directors; and such Grand Jury or Council shall present the Payments of the Money which may from Time to Time become payable under such Agreement, without any previous Application to a Presentment Sessions.

Monies granted under this Act, how to be raised.

VI. All Monies presented to be raised and paid under this Act by any such Grand Jury or Council for the Purchase of the Site of a School or of any Extension thereof, or for the building and fitting up of a School, or for the Extension or Improvement of any Buildings already erected, shall be presented and raised in the same Manner and shall be subject to the same Conditions in all respects as Monies to be presented and raised by the Grand Jury or Council respectively for building or rebuilding or enlarging any Gaol, Bridewell, House of Correction, or other Prison in Ireland under their Management respectively; and all Monies presented to be raised and paid for the Reception and keeping of such Offenders in such School shall be presented and raised in the same Manner in all respects and subject to the same Conditions as Money to be presented and raised by the Grand Jury of any such County or by the Council of such Borough as aforesaid respectively for defraying the ordinary current Expenditure of their several Gaols.

Juvenile Offenders, how to be dealt with.

VII. Whenever after the *passing of this Act* any Person shall be convicted of any Offence punishable by Law before any Judge of Assize or Judges sitting under a Commission of Oyer and Terminer, or before any Court of Quarter Sessions, or before the Divisional Justices of the Dublin Metropolitan Police District, whose Age shall not, in the Opinion of such Judge or Court, exceed the Age of *Sixteen* Years, then and in every such Case it shall be lawful for the Judge or Court before or by whom such Offender shall be so convicted, in addition to the Sentence (if any) then and there passed as a Punishment for his or her Offence, to direct such Offender to be sent, at the Expiration of such Sentence (if any) or forthwith, to some One of the aforesaid

aforesaid Reformatory Schools to be named in such Direction the Directors or Managers of which shall be willing to receive such Offender, and to be there detained for a Period not less than *Two* Years and not exceeding *Five* Years; and such Offender shall be liable to be detained pursuant to such Direction: Provided always, that no such Offender shall be liable or directed to be sent to any such Reformatory, except to some one Reformatory under the exclusive Management of Persons of the same Religious Persuasion as that professed by the Parents or Guardians of such juvenile Offender; and in all Cases in which the Religion of the Parents or Guardians of such juvenile Offender is unknown, the said juvenile Offender shall be considered as belonging to that Religious Persuasion in which he or she shall appear to have been baptized, or of which he or she shall profess to be a Follower: Provided also, that in case the Court which shall order such Offender to be so sent and detained as aforesaid shall think it right to sentence such Offender to a previous Term of Imprisonment as a Punishment for his or her Offence, the same shall be directed to be carried out and spent, as far as is practicable, in strict Separation; provided also, that the Chief Secretary may at any Time order any such Offender to be discharged from any such School.

Juvenile Offenders to be sent only to Schools managed by Persons of same Religious Belief as Parents of such Juveniles.

Power to Treasury to defray Cost of Maintenance at Reformatory School.

VIII. It shall be lawful for the Commissioners of Her Majesty's Treasury, upon the Representation of the Chief Secretary of the Lord Lieutenant of Ireland, to defray, out of any Funds which shall be provided by Parliament for that Purpose, either the whole Cost of the Care and Maintenance of any juvenile Offender so detained in any Reformatory School as aforesaid, at such Rate per Head as shall be determined by them, or such Portion of such Cost as shall be recommended by the said Chief Secretary.

Absconding or refractory Conduct at Reformatory School, how to be punished.

IX. And whereas it is expedient that some Provisions should be made for the Punishment of any juvenile Offender so directed to be detained as aforesaid in any such Reformatory School who shall abscond therefrom, or wilfully neglect or refuse to abide by and conform to the Rules thereof: Be it enacted, That it shall and may be lawful to and for any Justice of the Peace or Magistrate, or Police Magistrate, acting in and for the County, City, Borough, Riding, or Division wherein the said Offender shall actually be at the Time he or she shall so abscond, or neglect, or refuse as aforesaid, upon the Proof thereof made before him upon the Oath of One credible Witness, by Warrant under his Hand and Seal to commit the Party so offending for every such Offence to any Gaol or House of Correction for the said County, City, Borough, Riding, or Division, with or without Hard Labour, for any Period not exceeding *Six* Calendar

Calendar Months, such Period of Imprisonment to be passed, as far as is practicable, in strict Separation; and such Offender shall at the Termination of such Imprisonment be transmitted to the same Reformatory to which he or she was originally sentenced, if the Directors or Managers shall be then willing to receive such Offender, there to complete the full Term of his or her original Sentence.

Contribution by Parents to the Maintenance of Offenders in a Reformatory School, how to be enforced.

X. In every Case in which any juvenile Offender shall be sentenced to be detained in a Reformatory School under this Act, the Court by which he or she shall be so sentenced shall direct the proper Officer of the Court to issue his Certificate of the said Sentence, which shall be conclusive Evidence thereof; and in every Case of such Sentence as aforesaid the Parent of such Offender shall, if of sufficient Ability, be liable to contribute to his or her Support and Maintenance a Sum not exceeding *Five Shillings* a Week; and it shall be lawful for any Two Justices of the Peace, or any Stipendiary Magistrate sitting at Petty Sessions for the District in which such Parent shall reside, or for any Divisional Police Magistrate in any City or Borough in which such Parent shall reside, upon the Complaint of any Person authorized by the Chief or Under Secretary of the Lord Lieutenant for Ireland to take Proceedings in that Behalf, to summon the Parent as the Case may be, and on the Hearing of such Summons, whether the Party summoned shall appear or not, to examine into his or her Ability to contribute to such Offender's Support or Maintenance, and to make an Order upon him or her for such weekly Payment, not exceeding *Five Shillings* per Week, as shall seem reasonable, during the whole or any Part of the Detention of such juvenile Offender in such Reformatory School, such Payment to be made, at such Times as by such Order may be directed, to the Person so authorized to take Proceedings as aforesaid, or to such Person as such Chief or Under Secretary may from Time to Time appoint to receive the same, and by him to be accounted for and paid as the said Chief or Under Secretary may direct.

Power to remit, reduce, or increase the weekly Payments. Payment not to exceed Five Shillings weekly.

XI. The Parent or the Person authorized by the Chief or Under Secretary of the Lord Lieutenant of Ireland to take Proceedings as aforesaid, may respectively at any Time apply to any Two Justices of the Peace sitting at Petty Sessions for the District in which such Parent or Step-parent resides, or before any Divisional Police Magistrate for any City or Borough in which such Parent resides or in which such Reformatory is situate, for an Order to diminish the weekly Sum payable by said Parent under such Order as aforesaid, or to increase it to an Amount not exceeding *Five Shillings*

Shillings per Week; and the Justices or Stipendiary or Divisional Police Magistrate as aforesaid, on Proof that the said Parent or the said Person so authorized to take Proceedings as aforesaid, have given to each other, as the Case may be, not less than *One Week's* Notice in Writing of the intended Application, and of the Time and Place of hearing the same, shall make full Inquiry into the Matter, and into the then Circumstances and Ability of such Parent, and may diminish or increase the Amount of the weekly Sum payable by such Parent as they think fit, or may release him from such Payment altogether, such Order to be without Prejudice to any future Order which on any further Inquiry into the Circumstances and Ability of the said Parent may appear to be just and reasonable.

Provisions in case of Default in Payment by Parents.

XII. In case Default be made for the Space of *Fourteen* Days in Payment of any Sum of Money which may have become payable by such Parent under any such Order, such Sum of Money shall in every such Case be levied upon the Goods and Chattels of the Defendant by Distress and Sale thereof; and if it shall appear to the said Justices, on Confession of the Defendant or otherwise, or if it shall be returned to the Warrant of Distress in any such Case, that no sufficient Goods of the Party against whom such Warrant shall have been issued can be found, it shall be lawful to the Justices or Magistrate to whom such Return is made, or for any other Justice of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, by his Warrant as aforesaid, to commit the Defendant to the House of Correction or Common Gaol for any Term not exceeding *Three* Calendar Months, unless the Sum to be paid, and all Costs and Charges of the Distress, and of the Commitment and conveying of the Defendant to Prison, (the Amount thereof being ascertained and stated in such Commitment,) shall be sooner paid.

Provision for Care of Offenders when discharged from Reformatory Schools.

XIII. Whereas it is expedient to make further Provision for the due Care and Protection of juvenile Offenders discharged from Reformatory Schools, it shall be lawful for the Managers of any Reformatory School, previous to making Application for the Discharge of any juvenile Offender committed to such School, to place such Offender on Trial with some Person to be named in the Licence herein-after mentioned, who shall be willing to receive and take charge of and qualified to provide for and take care of such Offender, and to grant to such Offender a Licence under their Hands, or the Hand of any one of them appointed for that Purpose, to reside with such Person for any Term not exceeding *Twelve* Months, unless sooner called upon by the said Managers to return to the said School, and

and to require such Offender to return to the said School at any Time during the same; and such Managers shall bring back such Offender to the said School at the Expiration of the said Term, provided that such Offender shall not have been previously discharged from the School by Order of the Chief Secretary of the Lord Lieutenant of Ireland as aforesaid; and any Offender who shall abscond from such Person during such Term, or shall refuse to return to the Reformatory School at the End of such Term or before the End of the Time, when so required, shall be held to have absconded from the School, and shall be liable to the Penalties in that Case made and provided: Provided always, that no such Offender shall be so placed out before the Expiration of *One Half* of the Term of Detention to which he was originally sentenced.

Penalty for harbouring any young Person absconding from a Reformatory School.

XIV. Any Person who shall directly or indirectly wilfully withdraw any young Person from any such Reformatory School or Institution as aforesaid to which he or she has been so sent, or induce him or her to abscond therefrom, or who, knowing any young Person to have been withdrawn or to have absconded from any such School or Institution as aforesaid, shall harbour or conceal or assist in concealing such young Person, or prevent him or her from returning to such School or Institution, shall be liable for any such Offence to a Penalty not exceeding *Five Pounds*, to be recovered and enforced by Summary Conviction in the same Manner, and subject to the same Provisions and Orders, and under the same Powers, as any Penal or other Sum may be enforced by Summary Conviction under the Petty Sessions, Ireland, Act, 1851.

Offenders may be removed from one School to another.

XV. It shall and may be lawful for the Chief Secretary of the Lord Lieutenant of Ireland, if he shall think fit to do so, to remove any such youthful Offender from one Reformatory School to another: Provided always, that such Removal shall not increase the Period for which such Offender was sentenced to remain in a Reformatory School, and that the same shall only be to some Reformatory under the Management of Persons of the same Religious Profession as that to which he or she might have been originally committed.

Extent of Act.

XVI. This Act shall not extend to England or Scotland.

Reformatory Schools (Ireland).

A

BILL

To promote and regulate Reformatory Schools for juvenile Offenders in Ireland.

(Prepared and brought in by Mr. Sergeant Deasy and Mr. Bagwell.)

Ordered, by The House of Commons, *to be Printed,* 21 *April* 1858.

[Bill 50.]

Under 1 *oz.*

(Ireland.)

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Promote and regulate Reformatory Schools for juvenile Offenders in Ireland.

[Note.—*The Clauses marked* A. *to* F. *were added in Committee.*]

Preamble

WHEREAS it is expedient to provide for the Establishment and Regulation of Reformatory Schools for the better training of juvenile Offenders in Ireland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

On Application from Managers Institution to the Chief Secretary, Inspector to report.

I. It shall and may be lawful for the Chief Secretary of the Lord Lieutenant of Ireland, upon Application made to him by the Directors or Managers of any such Institution, to direct One of Her Majesty's Inspectors General of Prisons in Ireland, or such Special Inspector of Reformatories as may be hereafter appointed by the Lord Lieutenant for Ireland, who is hereby authorized and empowered to appoint a fit and proper Person to be Inspector of Reformatory Schools in Ireland, if he shall think fit, to examine and report to him upon its Condition and Regulations; and any such Institution as shall appear to the Satisfaction of the said Chief Secretary, and shall be certified under his Hand and Seal, to be useful and efficient for its Purpose, shall be

held to be a Reformatory School under the Provisions of this Act: Provided always, that it shall be lawful for any of Her Majesty's Inspectors General of Prisons, or such other Special Inspector of Reformatories as aforesaid; to visit from Time to Time any Reformatory School which shall have been so certified as aforesaid, and if upon the Report of any such Inspector the said Chief Secretary for the Time being shall think proper to withdraw his said Certificate, and shall notify such Withdrawal under his Hand to the Directors or Managers of the said Institution, the same shall forthwith cease to be a Reformatory School within the Meaning of this Act.

CLAUSE A. When Reformatory School is certified by Lord Lieutenant, Notice to be published in the Dublin Gazette.

II. Whenever the Chief Secretary shall at any Time grant a Certificate under this Act to any Reformatory School, he shall within One Calendar Month cause a Notice thereof to be published in the Dublin Gazette, and such Publication shall be a sufficient Evidence of the Fact of such Reformatory School having been certified to justify the Judge or the Justices before whom any such juvenile Offender shall have been convicted to commit such juvenile Offender thereto, subject to the Provisions of this Act; and whenever the Chief Secretary shall withdraw the Certificate granted to any Reformatory School, he shall within One Calendar Month give Notice of such Withdrawal in the said Gazette.

Power to Justices of a County or Council of Borough to grant Money in aid of Maintenance of Offenders in Reformatory Schools.

III. It shall be lawful for the Grand Jury of any County, County of a City or County of a Town, if they shall think fit, at any Assizes, and for the Town Councils of the Boroughs of Dublin, Cork, and Limerick, upon the Application of the Directors or Managers of any Reformatory School for youthful Offenders already established in whole or in part by voluntary Contributions in such County or Borough respectively, to present a Sum of Money in aid of the Maintenance of such Offenders from such County or Borough respectively, sentenced to or detained in such Reformatory School, to be raised off the said County or Borough, subject to such Conditions as may be agreed upon between such Grand Jury or Council and such Directors, Managers, or Promoters.

No Money to be granted to Schools unless certified by Chief Secretary.

IV. Provided, That no Money shall be presented or ordered to be raised as aforesaid under this Act in aid of any Reformatory School unless the Institution has been certified by the Chief Secretary as aforesaid, nor shall any Money be paid under any such Presentment or Order in aid of any School which shall have been so certified in case such Certificate shall have been withdrawn.

Justices or Council may contract

V. It shall be lawful for the Grand Jury of any County, County of a City or County of a Town, and for the Council of such Borough as

as aforesaid, at a Special Meeting of such Council called for the Purpose, to appoint and empower a Committee of such Grand Jury or Council to enter into an Agreement with the Directors or Managers of any Reformatory School certified as aforesaid, for the Reception and keeping in such School from Time to Time of Offenders from such County or Borough sentenced to be detained in a Reformatory School, in consideration of such periodical Payments as may be agreed upon with such Managers or Directors; and such Grand Jury or Council shall present the Payments of the Money which may from Time to Time become payable under such Agreement, without any previous Application to a Presentment Sessions.

with the Managers for the Reception of Offenders from their County or Borough.

VI. All Monies presented to be raised and paid for the Reception and keeping of such Offenders in such School shall be presented and raised in the same Manner in all respects and subject to the same Conditions as Money to be presented and raised by the Grand Jury of any such County or by the Council of such Borough as aforesaid respectively for defraying the ordinary current Expenditure of their several Gaols.

Monies granted under this Act, how to be raised.

VII. Whenever after the passing of this Act any Person shall be convicted of any Offence punishable by Law before any Judge of Assize or Judges sitting under a Commission of Oyer and Terminer, or before any Court of Quarter Sessions, or before the Divisional Justices of the Dublin Metropolitan Police District, whose Age shall not, in the Opinion of such Judge or Court, exceed the Age of Sixteen Years, or whenever after the passing of this Act any Person shall be convicted before any Justices of the Peace at Petty Sessions under the Provisions of the Sixth Section of "The Summary Jurisdiction (Ireland) Act, 1851," then and in every such Case it shall be lawful for the Judge or Court, or the Divisional Justices, or the Justices at Petty Sessions as aforesaid, before or by whom such Offender shall be so convicted, in addition to the Sentence (if any) then and there passed as a Punishment for his or her Offence, to direct such Offender to be sent, at the Expiration of such Sentence (if any) or forthwith, to some One of the aforesaid Reformatory Schools the Directors or Managers of which shall be willing to receive such Offender, and to be there detained for a Period not less than Two Years and not exceeding Five Years; and such Offender shall be liable to be detained pursuant to such Direction: Provided always, that no such Offender shall be liable or directed to be sent to any such Reformatory, except to some one Reformatory under the exclusive Management of Persons of the same Religious Persuasion as that professed by the Parents or Guardians of such juvenile Offender; and in all Cases in which the Religion of the Parents or Guardians

Juvenile Offenders, how to be dealt with.

Juvenile Offenders to be sent only to Schools managed by Persons of same Religious Belief

as Parents of such Juveniles.

Guardians of such juvenile Offender is unknown, the said juvenile Offender shall be considered as belonging to that Religious Persuasion in which he or she shall appear to have been baptized, or of which he or she shall profess to be a Follower: Provided also, that in case the Court which shall order such Offender to be so sent and detained as aforesaid shall think it right to sentence such Offender to a previous Term of Imprisonment as a Punishment for his or her Offence, the same shall be directed to be carried out and spent, as far as is practicable, in strict Separation: Provided also, that the Chief Secretary may at any Time order any such Offender to be discharged from any such School: Provided also, that whenever any Order shall be made under this Act by any Divisional Justice, or by any Justices of Petty Sessions, for sending any juvenile Offender to any Reformatory School, it shall and may be lawful for such juvenile Offender, or any Parent or Guardian of him or her, to appeal against any such Order, in case same be made by any Divisional Justice to the Recorder of the City of Dublin at his next Sessions, and in case such Order be made by any Justices at Petty Sessions, to the next Quarter Sessions of the Division within which the Petty Sessions at which such Order shall be made shall be situate, but in case there shall not be Fifteen clear Days between the making of the Order and the next Sessions of the said Recorder or the next Quarter Sessions of such Division as aforesaid, then to the next following Sessions of the said Recorder, or the next following Quarter Sessions of such Division as aforesaid; and every such Appellant shall give or cause to be given to the Divisional Justice whose Order is appealed from, or to the Clerk of the Petty Sessions at which the Order appealed from has been made, Notice in Writing of his Intention to appeal, at least Seven Days before the Commencement of the Sessions or Quarter Sessions to which such Appeal shall be made; and whenever any such Appeal shall have been so made, and such last-mentioned Notice shall have been duly given, it shall be lawful for the Recorder, or for the said Court of Quarter Sessions, as the Case may be, to entertain the same, and to confirm, reverse, or vary the Order complained of, or to order that such juvenile Offender shall be sent to some other Reformatory School established under this Act, and such Appeal shall not be dismissed upon any Point of Form.

Clause B. School to which Offender committed need not be named in the Sentence.

VIII. It shall not be necessary, at the Time of passing Sentence, for any such Judge or Court to name the particular School to which such Offender is to be sent, but it shall be sufficient for such Judge or Court to direct that such Offender be sent to such School (being a School duly certified under the Act, and the Directors or Managers of which may be willing to receive him,) as may thereafter, and before the

the Expiration of the Term of Imprisonment (if any) to which such Offender has been sentenced, be directed by One of the Judges or by the Justices of the Court before whom such Offender shall be so convicted.

CLAUSE C. Supplemental Orders may be made.

IX. Any such Court, having made an Order under the Authority of this Act for sending any Offender to any Reformatory, may make a supplemental Order, if the Court shall so think fit, at any Time thereafter, and before the Expiration of the Term of Imprisonment (if any) to which such Offender has been sentenced, exchanging the Name of such Reformatory for the Name of any other Reformatory to which such Offender might in the first instance legally have been sent, provided the Directors or Managers of such Reformatory be willing to receive such Offender, and such Offender shall be sent to such last-mentioned School accordingly.

CLAUSE D. Expenses of Conveyance how to be paid.

X. The Expense of conveying any juvenile Offender sentenced under this Act to the Reformatory School to which he has been committed under an original or supplemental Order shall be charged and chargeable upon the County, County of a City, or County of a Town from which he shall have been first removed, and such Expenses shall in the first instance be paid as follows; that is to say, by the Governor of the Prison of such County, County of a City, or County of a Town, when such Expenses shall have been incurred by the Governor or any Officer of any Prison therein respectively having the Custody under Sentence of such Offender, other than a Bridewell, and by the local Inspector of Constabulary when such Expenses shall have been incurred by the Keeper or other Officer of any Bridewell therein respectively having the Custody under Sentence of such Offender; and such Governor and local Inspector respectively shall from Time to Time lay before the Board of Superintendence of the said Prison Accounts duly vouched of the Expenses so incurred; and the said Board shall examine such Accounts, and upon being satisfied of their Reasonableness and Accuracy shall pay the same out of any Funds under their Control, in like Manner as if such Expenses had been incurred for the Removal of Prisoners under the Provisions of an Act passed in the Fourteenth and Fifteenth Years of the Reign of Her Majesty, Chapter Eighty-five, and the said Act shall extend to and include such Expenses.

CLAUSE E. Governor of Prison, &c. to send Duplicate or Copy of Warrant of Commitment with Offender.

XI. It shall be the Duty of the Governor of any Prison, or the Keeper or other Officer of any Bridewell, having the Custody under Sentence of any juvenile Offender who is ordered to be sent to any Reformatory, to forward, with such Offender, to such Reformatory, an original Duplicate, if any such Duplicate exists, of the Warrant of Commitment

fender to Reformatory.

Commitment under which such Offender has been imprisoned, and if no such Duplicate exists, to forward with such Offender a Copy of such Warrant, and at the Foot of such Duplicate or Copy to make a Memorandum stating that the juvenile Offender named therein, and sent therewith, is identical with the Person delivered with the Warrant of which the Instrument is a Duplicate or a Copy to such Prison or Bridewell, and such Memorandum shall be signed by such Governor or Keeper or other Officer aforesaid, and the Possession of such Warrant or Copy of a Warrant, with such Memorandum so signed, shall be a sufficient Authority for the Detention of such juvenile Offender in such Reformatory.

CLAUSE F. What is sufficient Evidence as to Identity of juvenile Offenders.

XII. The Production of an original Duplicate of the Warrant of Commitment or a Copy of the Warrant of Commitment of such young Person, with a Memorandum as aforesaid, signed or purporting to be signed by the Governor or Keeper of the Gaol or Bridewell from which such young Person was sent as herein-before provided, accompanied by a Statement signed or purporting to be signed by the Manager or Superintendent of any Reformatory School, that the young Person named in such Warrant or Copy was duly received into and is at the signing thereof detained in such School, or has been otherwise disposed of according to Law, shall in all Proceedings whatsoever be sufficient Evidence of the due Conviction and Imprisonment and subsequent Detention and Identity of the young Person named in such Warrant.

Power to Treasury to defray Cost of Maintenance at Reformatory School.

XIII. It shall be lawful for the Commissioners of Her Majesty's Treasury, upon the Representation of the Chief Secretary of the Lord Lieutenant of Ireland, to defray, out of any Funds which shall be provided by Parliament for that Purpose, either the whole Cost of the Care and Maintenance of any juvenile Offender so detained in any Reformatory School as aforesaid, at such Rate per Head as shall be determined by them, or such Portion of such Cost as shall be recommended by the said Chief Secretary.

Absconding or refractory Conduct at Reformatory School, how to be punished.

XIV. And whereas it is expedient that some Provisions should be made for the Punishment of any juvenile Offender so directed to be detained as aforesaid in any such Reformatory School who shall abscond therefrom, or wilfully neglect or refuse to abide by and conform to the Rules thereof: Be it enacted, That it shall and may be lawful to and for any Justice of the Peace or Magistrate, or Police Magistrate, acting in and for the County, City, Borough, Riding, or Division wherein the said Offender shall actually be at the Time he or she shall so abscond, or neglect or refuse as aforesaid, upon the Proof thereof made before him upon the Oath of One credible Witness,

Witness, by Warrant under his Hand and Seal to commit the Party so offending for every such Offence to any Gaol or House of Correction for the said County, City, Borough, Riding, or Division, with or without Hard Labour, for any Period not exceeding Six Calendar Months, such Period of Imprisonment to be passed, as far as is practicable, in strict Separation; and such Offender shall at the Termination of such Imprisonment be transmitted to the same Reformatory to which he or she was originally sentenced, if the Directors or Managers shall be then willing to receive such Offender, there to complete the full Term of his or her original Sentence.

Contribution by Parents to the Maintenance of Offenders in a Reformatory School, how to be enforced.

XV. In every Case in which any juvenile Offender shall be sentenced to be detained in a Reformatory School under this Act, the Court by which he or she shall be so sentenced shall direct the proper Officer of the Court to issue his Certificate of the said Sentence, which shall be conclusive Evidence thereof; and in every Case of such Sentence as aforesaid the Parent of such Offender shall, if of sufficient Ability, be liable to contribute to his or her Support and Maintenance a Sum not exceeding Five Shillings a Week; and it shall be lawful for any Two Justices of the Peace, or any Stipendiary Magistrate sitting at Petty Sessions for the District in which such Parent shall reside, or for any Divisional Police Magistrate in any City or Borough in which such Parent shall reside, upon the Complaint of any Person authorized by the Chief or Under Secretary of the Lord Lieutenant for Ireland to take Proceedings in that Behalf, to summon the Parent as the Case may be, and on the Hearing of such Summons, whether the Party summoned shall appear or not, to examine into his or her Ability to contribute to such Offender's Support or Maintenance, and to make an Order upon him or her for such weekly Payment, not exceeding Five Shillings per Week, as shall seem reasonable, during the whole or any Part of the Detention of such juvenile Offender in such Reformatory School, such Payment to be made, at such Times as by such Order may be directed, to the Person so authorized to take Proceedings as aforesaid, or to such Person as such Chief or Under Secretary may from Time to Time appoint to receive the same, and by him to be accounted for and paid as the said Chief or Under Secretary may direct.

Power to remit, reduce, or increase the weekly Payments. Payment not to exceed

XVI. The Parent or the Person authorized by the Chief or Under Secretary of the Lord Lieutenant of Ireland to take Proceedings as aforesaid, may respectively at any Time apply to any Two Justices of the Peace sitting at Petty Sessions for the District in which such Parent or Step-parent resides, or before any Divisional Police

Five Shillings weekly.

Police Magistrate for any City or Borough in which such Parent resides or in which such Reformatory is situate, for an Order to diminish the weekly Sum payable by said Parent under such Order as aforesaid, or to increase it to an Amount not exceeding Five Shillings per Week; and the Justices or Stipendiary or Divisional Police Magistrate as aforesaid, on Proof that the said Parent or the said Person so authorized to take Proceedings as aforesaid, have given to each other, as the Case may be, not less than One Week's Notice in Writing of the intended Application, and of the Time and Place of hearing the same, shall make full Inquiry into the Matter, and into the then Circumstances and Ability of such Parent, and may diminish or increase the Amount of the weekly Sum payable by such Parent as they think fit, or may release him from such Payment altogether, such Order to be without Prejudice to any future Order which on any further Inquiry into the Circumstances and Ability of the said Parent may appear to be just and reasonable.

Provisions in case of Default in Payment by Parents.

XVII. In case Default be made for the Space of Fourteen Days in Payment of any Sum of Money which may have become payable by such Parent under any such Order, such Sum of Money shall in every such Case be levied upon the Goods and Chattels of the Defendant by Distress and Sale thereof; and if it shall appear to the said Justices, on Confession of the Defendant or otherwise, or if it shall be returned to the Warrant of Distress in any such Case, that no sufficient Goods of the Party against whom such Warrant shall have been issued can be found, it shall be lawful to the Justices or Magistrate to whom such Return is made, or for any other Justice of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, by his Warrant as aforesaid, to commit the Defendant to the House of Correction or Common Gaol for any Term not exceeding Three Calendar Months, unless the Sum to be paid, and all Costs and Charges of the Distress, and of the Commitment and conveying of the Defendant to Prison, (the Amount thereof being ascertained and stated in such Commitment,) shall be sooner paid.

Provision for Care of Offenders when discharged from Reformatory Schools.

XVIII. Whereas it is expedient to make further Provision for the due Care and Protection of juvenile Offenders discharged from Reformatory Schools, it shall be lawful for the Managers of any Reformatory School, previous to making Application for the Discharge of any juvenile Offender committed to such School, to place such Offender on Trial with some Person to be named in the Licence herein-after mentioned, who shall be willing to receive and take charge of and qualified to provide for and take care of such Offender, and

and to grant to such Offender a Licence under their Hands, or the Hand of any One of them appointed for that Purpose, to reside with such Person for any Term not exceeding Twelve Months, unless sooner called upon by the said Managers to return to the said School, and to require such Offender to return to the said School at any Time during the same; and such Managers shall bring back such Offender to the said School at the Expiration of the said Term, provided that such Offender shall not have been previously discharged from the School by Order of the Chief Secretary of the Lord Lieutenant of Ireland as aforesaid; and any Offender who shall abscond from such Person during such Term, or shall refuse to return to the Reformatory School at the End of such Term or before the End of the Time, when so required, shall be held to have absconded from the School, and shall be liable to the Penalties in that Case made and provided: Provided always, that no such Offender shall be so placed out before the Expiration of One Half of the Term of Detention to which he was originally sentenced.

Penalty for harbouring any young Person absconding from a Reformatory School.

XIX. Any Person who shall directly or indirectly wilfully withdraw any young Person from any such Reformatory School or Institution as aforesaid to which he or she has been so sent, or induce him or her to abscond therefrom, or who, knowing any young Person to have been withdrawn or to have absconded from any such School or Institution as aforesaid, shall harbour or conceal or assist in concealing such young Person, or prevent him or her from returning to such School or Institution, shall be liable for any such Offence to a Penalty not exceeding Five Pounds, to be recovered and enforced by Summary Conviction in the same Manner, and subject to the same Provisions and Orders, and under the same Powers, as any Penal or other Sum may be enforced by Summary Conviction under the Petty Sessions, Ireland, Act, 1851.

Offenders may be removed from one School to another.

XX. It shall and may be lawful for the Chief Secretary of the Lord Lieutenant of Ireland, if he shall think fit to do so, to remove any such youthful Offender from one Reformatory School to another: Provided always, that such Removal shall not increase the Period for which such Offender was sentenced to remain in a Reformatory School, and that the same shall only be to some Reformatory under the Management of Persons of the same Religious Profession as that to which he or she might have been originally committed.

Extent of Act.

XXI. This Act shall not extend to England or Scotland.

Reformatory Schools (Ireland).

A

B I L L

[AS AMENDED IN COMMITTEE]

To promote and regulate Reformatory Schools for juvenile Offenders in Ireland.

(*Prepared and brought in by Mr. Sergeant Deasy and Mr. Bagwell.*)

Ordered, by The House of Commons, *to be Printed,* 17 *June* 1858.

[Bill 140.]

Under 1 *oz.*

LORDS AMENDMENTS

TO THE

REFORMATORY SCHOOLS (IRELAND) BILL.

Note.—*The Page and Line refer to the Bill* (228.) *as first printed by the Lords.*

At the End of Clause 1. add ("and annual Reports of such "Inspectors, as touching the Reformatory Schools "under this Act, shall be annually laid before both "Houses of Parliament, accompanied by Accounts "showing the Receipts and Expenditure of each "such School, and the Certificates granted and "withdrawn")

Page 2.

Line 23. Leave out ("already established") and insert (which "has been or which may hereafter be certified "under this Act, supported"

Page 3.

Line 20. After ("any") insert ("Justice or")

Page 4.

Line 7. After ("Offender") insert ("such Term of Imprison- "ment")

Page 7.

Line 20. Leave out ("Two") and insert ("Justice or")

Line 21. Leave out ("or any Stipendiary Magistrate")

Line 41. Leave out ("Two") and insert ("Justice or")

[Bill 244.]

LORDS AMENDMENTS

TO THE

REFORMATORY SCHOOLS (IRELAND) BILL.

Ordered, by The House of Commons, *to be Printed*,
29 *July* 1858.

[Bill 244.]

Under 1 *oz.*

(Scotland.)

A

BILL

FOR

The Amendment of the Law for the Registration of the County Voters in Scotland.

WHEREAS an Act was passed in the Session of Parliament holden in the Second and Third Years of the Reign of His Majesty King William the Fourth, intituled "An Act to amend the Representation of the People in Scotland;" and another Act was passed in the Session of Parliament holden in the Nineteenth and Twentieth Years of the Reign of Her Majesty, intituled "An Act to amend the Law for the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Burghs in Scotland;" and it is expedient to explain and amend some Parts of the first-recited Act, and to extend to Counties in Scotland certain of the Provisions introduced by the second-recited Act with reference to Burghs, and to make further and other Provisions relating to the Registration of Persons entitled to vote in the Election of Members to serve in Parliament for Counties in Scotland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual

Preamble.

2 & 3 W. 4. c. 65.

19 & 20 Vict. c. 58.

and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Repeal of certain Provisions of 2 & 3 W. 4. c. 65.

I. The Clauses and Provisions of the first-recited Act, enacted for the Purpose of forming Registers of Persons entitled to vote in the Election of Members to serve in Parliament for Counties in Scotland, shall be and the same are hereby repealed, except as to any Register heretofore made; and this Act shall be taken to be Part of the said Act, as fully as if it were incorporated therewith.

Sheriff Clerk to deliver annually to Assessor a Copy of the Register of Voters.

II. The Sheriff Clerk of every County shall, on or before the *Thirty-first Day of July* in the present and the *Thirtieth Day of June* in every future Year, make and cause to be delivered to the Assessor of his County a Copy of the Register of Voters then in force for such County, arranged in Parishes, the Voters in each Parish being kept distinct and separate, and arranged alphabetically under separate Heads.

Future Valuation Rolls of Counties to set forth additional Particulars.

III. In all future Valuation Rolls to be made up in Counties in Terms of the Act passed in the Seventeenth and Eighteenth Years of Her present Majesty, Chapter Ninety-one, the Assessors of the County shall, in addition to the Particulars which are by the said Act required to be ascertained by them, and to be entered in such Roll, ascertain and enter in such Roll as after mentioned the Amount of Feu Duty, Ground Annual, or other yearly Consideration payable as a Condition of his Right by every Proprietor of any Subject or Subjects stated in such Roll as of the yearly Value of Ten Pounds or upwards, and also, where any Feu Duty or Ground Annual payable for any Subject or Subjects stated in such Roll shall be of the Amount of Ten Pounds or upwards, the Name and Designation of the Proprietor of such Feu Duty or Ground Annual, with the Amount thereof, and the Description of the Subjects out of which the same is payable, and also the Rent, calculated in Terms of the Ninth Section of the Act passed in the Second and Third Years of King William the Fourth, Chapter Sixty-five, payable by every Tenant holding any Subject or Subjects stated in such Roll as of the yearly Value of Ten Pounds or upwards, under any Lease originally granted for not less than Fifty-seven Years, exclusive of Breaks, or as of the yearly Value of Fifty Pounds or upwards, under any Lease originally granted for not less than Nineteen Years; and it shall be lawful for every such Assessor, in order to the Ascertainment of such Particulars, to exercise all the Powers which under the said Act of the Seventeenth and Eighteenth Years of Her Majesty he may lawfully exercise for the Purposes thereof.

IV. The

IV. The Valuation Rolls of Counties shall for the future be annually made up in the Form of the Schedule A. hereunto annexed, in place of the Form at present in use; and where any Person or Persons shall be entered in such Valuation Roll in Terms of this Act as a Proprietor of Feu Duties or Ground Annuals, such Entry or Entries shall be made in a distinct and separate Form, and by way of Addition at the End thereof: Provided always, that it shall be competent to the Commissioners of Supply of any County, with the Sanction of the Lord Clerk Register or his Deputy, to make, as regards such County, such Alteration on the Form of the said Schedule, where this shall be found necessary or convenient, as may make it applicable to One Year only, or to any less Number of Years than *Five* Years.

New Form of County Valuation Rolls.

V. The Assessor of every County shall, on or before the *Fifteenth Day of August* in every Year, make out or cause to be made out, according to the Form Number 1. of the Schedule B. hereunto annexed, a List, arranged alphabetically in Parishes, of all Persons not contained in the said Copy of the Register, who, with reference to his Valuation, may be entitled to vote in the Election of a Member to serve in Parliament for such County; and in such List the Christian Name and Surname of every such Person, with the Place of his Abode, the Nature of his Qualification, and the local or other Description of the Property, shall be written; and the Assessor, if he shall have reasonable Cause to believe that any Person whose Name shall appear in the Copy of the Register received by him from the Sheriff Clerk, is not entitled to have his Name upon the Register then next to be made, shall add or cause to be added the Word "objected" before the Name of such Person on the Margin of such Copy of the Register; and the Assessor shall also add or cause to be added the Word "dead" before the Name of every Person in such Copy of the Register whom he shall have reasonable Cause to believe to be dead; and the Assessor shall, on or before the *Fifteenth Day of August* in every Year, publish an Advertisement in some One or more Newspapers circulating in the County, setting forth that he has prepared such List, and also a List, arranged alphabetically in Parishes, of the Persons already on the Register objected to by him, and believed by him to be dead, respectively as aforesaid, and shall specify in such Advertisement the Office or Place at which such Lists and Copy of the Register will be open to Perusal as after mentioned, and shall likewise cause a sufficient Number of Copies of such Lists and of such Copy of the Register, with all such marginal Additions as aforesaid, to be written or printed, and shall keep a Copy of each such List and the said Copy of the Register, with the marginal Additions thereon,

Assessor to make up Lists of new Voters, and to mark on old Register Persons objected to, and dead;

and to publish such Lists;

signed by him, open to Perusal by any Person, without Payment of any Fee, at any Time between the Hours of *Ten* o'Clock in the Forenoon and *Four* o'Clock in the Afternoon of each Day, except Sunday, from the *Sixteenth* to the *Twenty-fifth Days of August*, both inclusive, and shall deliver Copies thereof, or of any Parish or Part thereof, signed by him, to all Persons applying for the same, on Payment for every such Copy after the Rate contained in the Table Number 1. of the Schedule C. hereunto annexed: Provided always, that if any Person who may desire not to be inserted in such first-mentioned List shall intimate such Desire in Writing to the Assessor, the Assessor shall not insert in such List the Name of such Person.

and all Persons may have Copies.

Persons omitted in List of new Voters or Copy of Register to lodge Claims;

VI. Every Person whose Name shall have been omitted in any such first-mentioned List or such Copy of the Register, and who shall claim as having been entitled on the *last Day of July* then next preceding to have his Name inserted therein, and every Person desirous of being registered for a different Qualification than that for which his Name appears in such List or Copy of the Register, shall, on or before the *Twenty-fifth Day of August* in such Year, give a Notice according to the Form Number 2. of the said Schedule B., or to the like Effect, to the Assessor; and the Assessor shall include or cause to be included the Names of all Persons claiming as aforesaid in alphabetical Lists according to the Form Number 3. of the said Schedule B. signed by him.

and Assessor to make up List of Claimants.

Objections may be lodged by Voters on Register.

VII. In every Year any Person upon the Register for the Time being for any County may object to any other Person as not having been entitled on the last Day of July next preceding to have his Name inserted in any List of Voters for such County; and every Person so objecting (except Assessors objecting as aforesaid) shall, on or before the *Twenty-fifth Day of August* in such Year, give or cause to be given to the Assessor of such County a Notice according to the Form Number 4. of the said Schedule B., or to the like Effect; and shall also, on or before such *Twenty-fifth Day of August*, give or cause to be given to the Person so objected to, or leave or cause to be left at his Place of Abode, as described in such List, a Notice according to the Form Number 5. of the said Schedule B., or to the like Effect; and every such Notice of Objection shall be signed by the Person objecting as aforesaid.

List of Persons objected to to be made up and published.

VIII. The Assessor of the County shall in every Year include the Names of all Persons against whom Notice of Objection shall have been given to him as aforesaid in that Year, in a List arranged alphabetically in Parishes, according to the Form Number 6. of the said

said Schedule B., and shall, on or before the *First Day of September* in such Year, publish an Advertisement in some One or more Newspapers circulating in such County, setting forth that he has prepared such Lists of Persons claiming and objected to, and shall specify in such Advertisement the Office or Place at which such Lists will be open to Perusal as after mentioned, and shall keep a Copy of such Lists, and also the Notices of Claims and Objections which he shall have received, unless when in use in the Registration Court, open to Perusal by any Person, without Payment of any Fee, at any Time between the Hours of *Ten* o'Clock in the Forenoon and *Four* o'Clock in the Afternoon of each Day, except Sunday, during the First *Fourteen* Days of the said Month of *September;* and shall deliver Copies of such Lists, or either of them, signed by him, to any Person requiring the same, on Payment for each Copy after the Rate contained in the Table Number 1. of the said Schedule C.

Assessor to deliver Lists, &c. to Sheriff Clerk.

IX. On or before the *Twenty-ninth Day of August* in each Year the Assessor of the County shall deliver to the Sheriff Clerk of the County the said Copy of the Register, with the marginal Additions thereon, and the said first-mentioned List, and also the said Lists of Persons claiming and objected to, respectively signed by him as aforesaid.

Assessor to be nominated specially for this Act.

X. Where in any County there shall be more than One Assessor in and for such County, it shall be the Duty of the Commissioners of Supply of such County, as soon as may be after the *passing of this Act*, and at latest within *Three* Weeks after the passing of the same, to nominate and appoint One of such Assessors to perform the Duties imposed on the Assessor under this Act, and also to make public Advertisement of such Appointment in some One or more Newspapers circulating in such County, and failing such Appointment and Advertisement being duly made the same shall be made by the Sheriff of the County within *Five* Weeks at latest after the *passing of this Act;* and every such Assessor so appointed shall from the Date of his Appointment be specially charged with all the Duties incumbent on the Assessor under this Act; and on every Occasion where in any County an Assessor so appointed shall cease to hold Office, it shall be the Duty of the Commissioners of Supply, at latest within *Three* Weeks thereafter, to appoint another Assessor to act as aforesaid, and to make public Advertisement of such Appointment as before mentioned; and in the event of such Commissioners failing to do so such Appointment and Advertisement shall be made by the Sheriff of the County within *Five* Weeks at latest after the former Assessor shall have ceased to hold Office as aforesaid: Provided always, that all other Assessors in such County shall, in all Matters relating to this Act, be subject to the Orders of the Assessor so to be appointed,

appointed, and shall take Instructions from him, and shall be bound to act on such Instructions, so far as consistent with this Act.

Assessors disqualified from voting.

XI. Every Assessor in any County shall, while he continues such Assessor, be disqualified from being registered as a Voter, and from voting or taking part in any Election of a Member to serve in Parliament for such County.

Provision as to Service of Notices.

XII. Whenever any Notice is by this Act required to be given to the Assessor, it shall be sufficient if such Notice shall be delivered to him, or left, or sent to him by Post, Postage paid, at his Place of Abode, or at his Place for transacting his official Business; and wherever by this Act any Notice is required to be given to any other Person, it shall be sufficient if such Notice be sent by the Post, Postage paid, addressed, with a sufficient Direction, to the Person to whom the same ought to be given, at his usual Place of Abode.

Advertisements under this Act.

XIII. In all Cases where any Notice is directed by this Act to be advertised in any Newspaper, such Advertisement shall be repeated in the same or some similar Newspaper, not earlier than *Six* and not later than *Eight* Days after the Day on or before which such Advertisement is herein required to be published.

Lists not invalidated by deficient Publication.

XIV. No List shall be invalidated by reason that it shall not have been advertised pursuant to this Act, or shall not have been affixed in the Place, and for the full Time, herein required for Publication thereof; and the Sheriff shall proceed to revise and adjudicate upon every such List, though not advertised or affixed as aforesaid: Provided always, that nothing herein contained shall be construed to exempt any Assessor or other Person acting in wilful or culpable Neglect of any Duty imposed upon him by this or the first-recited Act, from any Penalties thereby incurred.

Errors of Officers not to affect Claims.

XV. No Claim or Objection to any Claim shall be affected by any Mistake, Error, or Omission committed by any public Officer to whom Claims or Objections are appointed to be given in or transmitted.

Provision for filling up, ad interim, Offices on which Duties are imposed by this Act.

XVI. Where in any County any Office upon the Holder whereof Duties are imposed by this Act shall become vacant, it shall be competent for the Sheriff of the County, and he is hereby authorized and required, in case it shall appear to him to be necessary or expedient for the carrying out of the Purposes of this Act, to appoint a Person to perform ad interim the Duties of such Office, so far as necessary; and the Person so to be appointed shall be charged with and perform such Duties until such Office be duly filled up, and shall be

be entitled to such reasonable Remuneration therefor as may be fixed by such Sheriff, with the Approbation of the Lord Advocate, and such Remuneration shall be payable in the like Manner and out of the like Funds as the Salary or Allowances of the Office become vacant as aforesaid.

Valuation Rolls to be open to Inspection for the Purposes of this Act.

XVII. Any Person whose Name shall be on any List of Voters for the Time being for any County, or who shall have claimed to have his Name inserted in any such List, may, at any Time between the Hours of *Ten* o'Clock in the Forenoon and *Four* o'Clock in the Afternoon of each Day, except Sunday, between the *Sixteenth* Day of August and the *Thirty-first* Day of October, inspect any Valuation Roll, and make Extracts therefrom for any Purpose relating to any Claim or Objection made or intended to be made by or against such Person; and every Officer having the Custody thereof is hereby required to permit such Inspection, and the making of such Extracts, without Payment of any Fee.

Valuation Roll to be primâ facie Evidence of Matters stated therein.

XVIII. In all Questions and Proceedings under this or the recited Act, the Valuation Roll made up by the Assessor in Terms of the Fourth Section of the Act passed in the Seventeenth and Eighteenth Years of Her present Majesty, Chapter Ninety-one, shall, from and after the Fifteenth Day of *August* in the Year in which such Roll shall be made up, and subject always to such Alterations as may be afterwards made thereon in Terms of said last-mentioned Act, be received and taken as primâ facie Proof that the gross yearly Rent or Value of any Subjects specified in such Valuation Roll is, and has been for the Year from the *Fifteenth Day of May* in such Year, of the Amount set forth for the Time in such Valuation Roll, and also as primâ facie Proof that the Persons therein set forth as Proprietors, Tenants, and Occupants respectively have, for the Period to which such Valuation applies, been such Proprietors, Tenants, and Occupants respectively, as therein stated: Provided always, that it shall be competent to prove to the Satisfaction of any Sheriff or Court of Appeal under this or the said first-recited Act, that any such Subjects are or have been of a greater or of a less annual Value than the Value stated in such Valuation Roll: Provided further, that it shall be competent, in any Appeal under this or the first-recited Act from any Court of Registration to any Court of Appeal, to refer to and found upon any Valuation Roll, notwithstanding that such Valuation Roll may not have been produced in such Court of Registration.

Sheriff Clerk to transmit Abstracts of Lists to Sheriffs.

XIX. Each Sheriff Clerk respectively shall, on the *Twenty-ninth Day of August* in each Year, or as soon thereafter as possible, transmit an Abstract of the said several Lists of Claimants and List of

Persons objected to in his County to the Sheriff of the County, indicating the Number of Claims and Objections to be disposed of by him in each District thereof.

Sheriff Clerk to hold Courts for revising County Lists.

XX. Every Sheriff Clerk shall, on receiving from the Sheriff, in Terms of the Nineteenth Section of the second-recited Act, written Notice of the Days on which he is to hold his Court for revising the Register of Voters of the County, forthwith cause public Notice of such Registration Courts to be given by Advertisement in One or more Newspapers circulating within such County, and shall cause a Copy of such Notice, written or printed, to be delivered to the Clerk of Supply and to each of the Assessors of such County, and shall require them to attend at the Courts therein appointed for the Revision of such Register of Voters.

Sheriff Clerk, &c. to attend County Registration Courts, and produce Lists, Valuation Rolls, &c.

XXI. The Sheriff Clerk of every County, at the opening of the First Court as aforesaid, shall deliver to the Sheriff the Lists of Voters for the then current Year, that is to say, the List first mentioned made up by the Assessor, the Copy of the Register, with the marginal Additions as aforesaid, and the Lists of Persons claiming and objected to in the said Year, relating to such County, and also, from and after the Year *One thousand eight hundred and fifty-eight*, One or more printed Copies of the Register of Voters then in force for the said County; and the Clerk of Supply and all the Assessors of the County shall attend the Courts to be holden as aforesaid for revising the Lists of such County, and the Assessors shall deliver to the Sheriff the original Notices of Claim and Notices of Objection; and it shall be the Duty of the Person having the Custody for the Time of the Valuation Roll then in force to have the same on the Table of such Registration Court; and the Sheriff Clerk, Clerk of Supply, and Assessors shall respectively produce all Documents, Papers, and Writings in their Power touching any Matter necessary for revising any List of Voters; and every such Sheriff shall have the Power to require any Person having the Custody of any Valuation Roll to attend before him, and to produce the Valuation Roll, and he shall attend and produce accordingly.

County Voters may be transferred from one Polling District to another.

XXII. Any Person whose Name shall appear in the List of Voters of any Parish in and for any County, and whose Place of Abode shall not be within the Polling District at which such Parish shall be allotted to poll, but within the same County, shall be at liberty to make his Claim before the Sheriff to vote at the Polling Place of the District wherein his Place of Abode may be situate; and any Person whose Name shall appear in any such List, and whose

whose Place of Abode shall not be within the same County, shall be at liberty in like Manner to make his Claim to vote at the Polling Place of any District within the same County; and every such Person shall make his Claim in Writing under his Hand, and such Claim shall be delivered to and verified before the Sheriff, and it shall then be lawful for the Sheriff to insert in the List of Voters in which the Name of such Person shall appear as aforesaid, against the Name of such Person, the Name of the Polling Place at which such Person shall be registered to vote; and such Person so registered shall be admitted to vote at any contested Election for the said County at such last-mentioned Polling Place, and not elsewhere, anything in the first-recited Act to the contrary notwithstanding.

Claimants omitted in County Lists may be enrolled by Sheriff.

XXIII. If any Person who shall have given to the Assessor of any County due Notice of his Claim to have his Name inserted in the List of Persons entitled to vote in the Election of a Member to serve in Parliament for such County shall have been omitted by such Assessor from such List, the Sheriff shall, on the Revision of such List, insert therein the Name of the Person so omitted, in case it shall be proved to the Satisfaction of such Sheriff that such Person is, and was on the *last Day of July* last preceding, entitled to be inserted therein, in respect of the Qualification described in such Notice of Claim.

But Claims omitted may be objected to

XXIV. It shall be lawful for any Person whose Name shall be on any List of Voters for any County to oppose the Claim of any other Person to have his Name inserted in the List of Voters for the same County; and such Person intending to oppose any such Claim shall, in the Court to be holden as aforesaid for the Revision of such List, and before the Hearing of such Claim, give Notice in Writing to the Sheriff of his Intention to oppose such Claim, and shall thereupon be admitted to oppose the same, by Evidence or otherwise, without any previous or other Notice, and shall have the same Rights, Powers, and Liabilities, as to Costs, Appeals, and other Matters relating to the Hearing and Determination of such Claim, as any Person who shall have duly objected to the Name of any other Person being retained on any List of Voters, and who shall appear and prove the requisite Notices in Terms of this Act.

Sheriffs to revise and correct Lists.

XXV. The Sheriff shall correct any Mistake which shall be proved to him to have been made in any List, and shall expunge the Name of every Person whose Qualification, as stated in any List, shall be insufficient in Law to entitle such Person to vote, and also the Name of every Person who shall be proved to him to be dead; and if in entering the Name and Qualification of any Voter

anything requiring to be specified be omitted, or if any Description be insufficient for Identification, such Sheriff shall expunge the Name of every Person so entered, unless the Matter so omitted or insufficiently described be supplied to his Satisfaction before he shall have completed the Revision of the List; and such Sheriff shall in open Court write his Initials against the Names respectively expunged or inserted, and against any Part of the said Lists in which any Mistake shall have been corrected, or any Omission supplied, or any Insertion made by him.

Sheriffs may grant Warrant to cite Parties, Witnesses, and Havers, and Diligence for Recovery of Writings.

XXVI. It shall at all Times be competent to any Sheriff or to any Sheriff Substitute acting under the first-recited Act or this Act, upon ex parte Application made to him to that Effect, by any Claimant, Objector, or Appellant, to grant Warrant to cite Parties, Witnesses, and Havers, and to grant Diligence for the Recovery of Writings with reference to any Claim, Objection, or Appeal to be discussed before any Registration Court to be holden by such Sheriff or his Substitute, or before any Court of Appeal of which such Sheriff may be entitled to be a Member; and such Warrants of Citation and Diligence shall be equally valid as if granted by such Sheriff or Sheriff Substitute in the Course of any ordinary or summary Process or Procedure before him; and shall be valid notwithstanding that the Appeal Court to which such Citation or Diligence refers be holden without the Limits of the ordinary Jurisdiction of such Sheriff.

County Assessor to support his Objections at Registration and Appeal Courts.

XXVII. It shall be the Duty of every County Assessor to support by Evidence, so far as necessary, at the Registration Court and Court of Appeal, every Statement and Objection set forth by him on the List of Voters or Copy of the Register, unless in so far as he may have become satisfied that such Statement or Objection is not well founded; and it shall also be competent to any Person on the Register or List of Voters for such County to support, by himself, his Agent or Mandatory, any Statement or Objection made by such Assessor.

Sheriffs may adjourn Registration Courts, but to conclude Business by *30th Sept.* annually.

XXVIII. Every Sheriff holding any Court under this or the first-recited Act shall have Power to adjourn the same from Time to Time, but so that no such adjourned Court shall be holden after the *Thirtieth Day of September* in any Year; and at all Courts, whether of Registration or Appeal, any Sheriff holding such Court, or sitting as a Member thereof, shall have Power to administer an Oath to all Persons examined before such Court; and all Parties, whether claiming or objecting or objected to, and all Persons whatsoever, may be examined upon Oath touching the Matters in question; and every Person taking any Oath under this or the first-recited Act, who shall

shall wilfully swear falsely, shall be deemed guilty of Perjury, and shall be liable to be punished accordingly.

On Completion of Business of Registration Courts, Lists of Voters to be delivered to Sheriff Clerk, for Production at Appeal Court.

XXIX. On the Revision of the Lists of Voters for any County in any Year being completed by the Sheriff in Terms of this Act, such Sheriff shall forthwith, and at latest on the *First Day of October* in such Year, deliver the same to the Sheriff Clerk of such County; and it shall be the Duty of such Sheriff Clerk to retain the same in his Possession, and to produce the same to the Court of Appeal established with reference to such Sheriff by the said first-recited Act.

Sheriff Clerks, &c. to attend Appeal Courts.

XXX. All Sheriff Clerks, Clerks of Supply, Assessors, and other Persons bound to give Attendance or make Productions before any Sheriff in Terms of this Act, shall be bound to give the like Attendance, and to make the like Productions in each Year, before the Court of Appeal reviewing the Judgments of such Sheriff under this and the first-recited Act.

Sheriff Clerk to print County Lists, and authenticate them.

XXXI. The Sheriff Clerk of every County shall forthwith after the *Thirty-first Day of October* in each Year, or sooner if the Appeal Court shall be earlier concluded, cause the Lists of Voters for such County, signed as aforesaid, to be copied and printed in a Book or Books, arranged with the Names in each Parish in strict alphabetical Order according to the Surnames, and with every Polling District in alphabetical Order, and with every Parish within the said Polling District likewise in alphabetical Order; and shall, after the last List for such Polling District, insert an additional List, in like alphabetical Order, of all Persons whose Names shall not appear in any of the said Lists for such Polling District, but who shall, in manner herein-before mentioned, have been registered to vote at the Polling Place of such last-mentioned District, and shall in such Book prefix to every Name its proper Number, beginning the Numbers from the first Name, and continuing them in a regular Series down to the last Name: Provided always, that a Number as aforesaid shall be prefixed to the Name of every Person in every such additional List inserted after the last List for every Polling District as aforesaid; and no Number, but an Asterisk only, shall be prefixed to the Name of the same Person in the List of the Parish in which his Name originally appeared; and every such Book shall be printed and arranged in such Manner and Form, that the List of Voters of and for each and every separate Parish and Polling District contained therein may be conveniently and completely cut out or detached from all the other Lists of Voters contained in the same Book, so that all the Lists of every or any Polling District, or the List of every or any single Parish, may be ready for the Purposes of this

Act, or for Sale; and the said Sheriff Clerk shall sign such Book or Books, and deliver the same, on or before the *Thirtieth* Day of *November* in the then current Year, to the Sheriff of the County, to be by him kept for the Purposes herein-after and in the said first-recited Act mentioned.

Lists so printed to be the Register of Voters.

XXXII. Such printed Book or Books so signed by the Sheriff Clerk, and delivered to the Sheriff, shall be the Register of Persons entitled to vote at any Election of a Member to serve in Parliament which shall take place in and for the same County between the *Thirty-first Day of October* in the Year wherein such Register shall have been made and the *First Day of November* in the succeeding Year; and the Sheriff Clerk of every County shall keep printed Copies of such Register for such County, and shall deliver such Copies of such Register, or of any Part thereof, to any Person applying for the same, upon Payment after the Rate contained in the Table Number 2. of the Schedule C. hereunto annexed: Provided always, that no Person shall be entitled to a Copy of any Part of any Register relating to any Parish or Polling District of a County, without taking or paying for the whole that relates to such Parish or Polling District respectively: Provided also, that the Register of Electors now existing shall be the Register in force until the *First Day of November* in the Year *One thousand eight hundred and fifty-eight:* Provided further, that any merely clerical Error which may be found to exist in any such printed Book may be competently corrected at any Time by the Sheriff of the County; and such Correction shall be made by the Sheriff writing such Correction on such printed Book, and signing his Name and the Date of such Correction against the same.

Register of Voters to be in force till new Register established.

XXXIII. Every Register of Voters established or that shall be established for any County shall continue to be the Register for such County until the same shall be revised, and a new Register shall be completed, pursuant to this Act.

Payments by Persons claiming to be registered, &c. abolished.

XXXIV. All Provisions of the first-recited Act as to any Payments thereby required to be made in Burghs by any Persons claiming to be registered or to vote, or objecting to the Claims of Persons claiming to be registered or to vote for any Burgh, are hereby repealed.

When a Sunday is last-named Day, the Day after to be the last Day.

XXXV. When any of the Days on which or before which any Acts and Proceedings are by this or the first-recited Act appointed to be transacted shall happen to be a Sunday, then and in that Case the several Acts and Proceedings appointed to take place on

or

or before such Day shall take place on or before the Day next ensuing.

Agents and Mandatories may act for Party.

XXXVI. Any Claim, Objection, Notice of Appeal, or other Writ may be signed, and any Proceedings under this Act may be prosecuted, by any Person as Agent or Mandatory for the Party thereto; and any Mandate bearing to be signed by such Party shall be primâ facie a sufficient Mandate; and every such Mandate shall have all the Privileges attaching to any Judicial Mandate.

No written Pleadings to be allowed in Registration Courts.

XXXVII. No written Pleadings shall in any Case be allowed in support of any Claim or Objection or Title to be registered; and it shall not be necessary for the Sheriff to make a Note of any Statement or Plea submitted to him in the Registration Court, but he shall make a Note of the Names of the Witnesses, and shall affix his Signature to any Deeds, Writings, or Documents produced in the Registration Court in support of any Claim, Objection, or Title to be registered; and it shall not be competent to adduce in the Appeal Court any Witnesses not named in said Note, or to produce any Deeds, Writings, or Documents to which the Signature of the Sheriff is not affixed.

Penalty on Persons not attending Registration Courts when required.

XXXVIII. Any Person who shall wilfully refuse or neglect, when duly required by any Sheriff or Court of Appeal, to attend as a Witness or a Haver before such Sheriff or Court of Appeal at any Court to be holden under this or the first-recited Act, shall be liable to pay, by way of Fine, for every such Offence, a Sum of Money not exceeding *Five Pounds* nor less than *Twenty Shillings*, to be imposed by and at the Discretion of such Sheriff or Court of Appeal.

Sheriffs may award Costs, and Witnesses and Havers to be paid their Expenses.

XXXIX. It shall be competent to every Sheriff, subject to the Review of the Appeal Court, and to every Appeal Court under this Act, to award Expenses against any Party maintaining any merely frivolous Objection to the Registration of any Voter, or to his Title to remain on the Register; and such Expenses may be recovered in like Manner as any Expenses of Suit awarded by any Sheriff in any ordinary Action; and all Witnesses and Havers who may be cited as such, under the Provisions of this Act, shall have the same Title to demand from the Party citing them or causing them to be so cited their reasonable Expenses as any Witness or Haver cited as such to any ordinary Civil Court.

Penalties on Assessors and others

XL. Any Assessor of any County who shall wilfully refuse or neglect to make out any List, or who shall wilfully neglect to insert

for Neglect of Duty.

therein the Name of any Person who shall have given due Notice of Claim, or who, in making out any List of Voters, shall wilfully, and without any reasonable Cause, omit the Name of any Person duly qualified to be inserted in such List, or who shall wilfully, and without any reasonable Cause, insert in such List the Name of any Person not duly qualified, or who shall wilfully refuse or neglect to publish any Notice or List or Copy of any Register of Voters, at the Time and in the Manner required by this Act, and any Sheriff Clerk who shall culpably neglect to print a correct Register of Voters pursuant to this Act, and any Assessor or Sheriff Clerk who shall be wilfully guilty of any other Breach of Duty in the Execution of this Act, shall for every such Offence be liable to pay by way of Fine a Sum of Money not exceeding *Five Pounds* nor less than *Twenty Shillings*, to be imposed by and at the Discretion of the Sheriff or Court of Appeal: Provided always, that nothing herein contained as to any such Fine shall affect or abridge any Right of Action against any Assessor or other Person liable to any such Fine or any Liability such Assessor or other Person may incur under or by virtue of this or the first-recited Act.

Penalties to be applied for the Purposes of this Act.

XLI. Every Sheriff and Court of Appeal, when and so often as such Sheriff or Court of Appeal shall impose any such Fine, shall at the same Time in open Court, by an Order in Writing stating the Sum payable for such Fine, direct by and to whom and when the same shall be paid, and the Person to whom such Sum shall be so ordered to be paid shall receive the same; and in every Case where the Offence for which such Fine shall have been imposed shall relate to the Formation of the Register of Voters for any County, he shall pay over the Sum so received by him to the Assessor of such County, for the Purposes of this Act.

Accounts to be kept of Monies received under this Act.

XLII. The Sheriff Clerk of every County shall keep an Account of all Monies received by him for or on account of the Sale of any Copies of the Register as aforesaid, or otherwise under this Act, and shall account for and pay over the same to the Assessor of such County, for the Purposes of this Act; and in like Manner every Assessor in every County shall keep an Account of the Monies received by him, from the Sale of any Lists or otherwise under this Act, and shall account for and pay over the same, for the Purposes of this Act, to the Assessors specially appointed as aforesaid.

Expenses of annual Registrations, how to be defrayed.

XLIII. As soon as may be after the Completion of each annual Registration under this Act, the Commissioners of Supply of each County shall cause an Account to be made up of the Cost and Expenses

Expenses attending such annual Registration in such County, and shall ascertain and fix the just Amount thereof, including therein any Remuneration to Assessors which they may deem proper, and shall also cause an Account to be made up of all Monies which shall have come to the Hands of the Assessor of such County, or other Person under this Act, for the Purposes of this Act, and shall ascertain and fix the just Amount thereof; and where the Amount of the Costs and Expenses so ascertained and fixed shall exceed the Amount so ascertained and fixed of the Monies received for the Purposes of this Act, the said Commissioners of Supply shall cause the Amount of such Excess to be apportioned upon the Parishes within such County according to the yearly Rent or Value thereof, and the same shall be assessed and levied along with the Assessment for the Relief of the Poor for the current Year within such Parishes respectively, or they shall cause the Amount of such Excess, along with such reasonable Sum as they may deem necessary to meet the Expenses of Collection, to be assessed and levied and collected in some one or other of the Modes allowed by the said Act passed in the Seventeenth and Eighteenth Years of Her present Majesty, Chapter Ninety-one; and any Balance of Funds remaining on hand from Time to Time in any County arising from such Assessment under this Act in any One Year, after answering the Expenses of the Year with reference to which such Assessment was imposed, may be retained and applied by the Commissioners of Supply of such County in such Manner as they may deem fit for defraying the Expenses of Registrations under this Act in subsequent Years, but for no other Uses or Purposes whatever: Provided always, that no County shall be liable under this Act for any Expenses heretofore defrayed in Exchequer, or which under the Provisions of this Act may come in lieu of such Expenses.

Register to be conclusive Evidence of Qualification.

XLIV. At every future Election of a Member or Members to serve in Parliament for any County, the Register of Voters so made as aforesaid, or under the said recited Act, shall be deemed and taken to be conclusive Evidence that the Persons therein named continue to have the Qualifications which are annexed to their Names respectively in the Register in force at such Election, and such Persons shall not be required to take the Oath of Possession.

Penalty on Persons wilfully contravening this Act.

XLV. Every Sheriff, Sheriff Clerk, Assessor, or other Person or public Officer required by this Act to do any Matter or Thing, shall, for every wilful Contravention or wilful Act of Commission or Omission contrary to this Act, forfeit to any Party aggrieved the penal Sum of *One hundred Pounds*, or such less Sum as the Jury before whom may be tried any Action to be brought for the Recovery

of the before-mentioned Sum shall consider just to be paid to such Party, to be recovered by such Party, with full Expenses of Process, by Action for Debt before the Court of Session: Provided always, that nothing herein contained shall be construed to supersede any Remedy or Action against any Returning Officer according to any Law now in force.

Misnomer not to vitiate

XLVI. No Misnomer or inaccurate or defective Description of any Person, Place, or Thing named or described in any Schedule to this Act annexed, or in any List or Register of Voters, or in any Notice required by this Act, shall in any way prevent or abridge the Operation of this Act with respect to such Person, Place, or Thing, provided that such Person, Place, or Thing shall be so denominated in such Schedule, List, Register, or Notice as to be commonly understood; and it shall be lawful to any Sheriff in his Registration Court, or to any Court of Appeal, if it shall appear to him or to such Court that there has been no wilful Purpose to mislead or deceive, or that such Misnomer or inaccurate or defective Description was not such as to mislead or deceive, to allow any verbal, clerical, or casual Error in any such Schedule, List, Register, or Notice to be corrected or supplied.

Sheriff Principal or Appeal Sheriffs to issue Regulations for carrying Act into effect.

XLVII. It shall be in the Power of the Sheriff Principal of each County, or of the Sheriffs constituting any Court of Appeal under the said first-recited Act, with Consent of the Lord Advocate, to issue any Regulations he or they shall find necessary in order to carry this Act into effect during this present Year Eighteen hundred and fifty-eight; and in case any Claims or Objections with reference to any County shall be given in during this present Year, in Terms of the said first-recited Act, the same shall be transmitted by the Schoolmaster or Sheriff Clerk to the Assessor, and, in so far as not given effect to by him, shall be included in the List of Claimants and of Persons objected to respectively, to be published in Terms of this Act; and any Notices given in Terms of the said first-recited Act, prior to the passing of this Act, which in consequence thereof are unnecessary or inconsistent with the Provisions of this Act, shall be of no Effect.

Interpretation Clause.

XLVIII. The following Words and Expressions, when used in this Act, shall in the Construction thereof be interpreted as follows, except when the Nature of the Provision or the Context shall exclude or be repugnant to the said Construction; (that is to say,) the Expression "the Assessor" shall mean the Assessor of the County in and for which he is Assessor appointed under the aforesaid Act of the Seventeenth and Eighteenth Years of Her present Majesty,

17 & 18 Vict. c. 91.

Majesty, being also the Assessor specially appointed in Terms of this Act, where such last-mentioned Appointment has been made; the Word "Assessors" shall mean the Assessor or Assessors appointed under the said last-mentioned Act of the County in and for which such Assessor or Assessors act, whether specially appointed under this Act or not; the Words "Oath of Possession" shall mean and include the Words, "That I am still the Proprietor (or Occupant) "of the Property for which I am so registered, and hold the same "for my own Benefit, and not in trust for or at the Pleasure of any "other Person;" and the Words "Sheriff Clerk" shall extend and apply to any Person executing the Duties of such Sheriff Clerk.

Acts, &c. repealed.

XLIX. The first-recited Act, and also all Laws, Statutes, and Usages now in force, are hereby repealed, so far as may be necessary to give full Effect to the Provisions of this Act, but no further or otherwise.

SCHEDULES to which the foregoing Act refers.

SCHEDULE A.

	Description of Subject.	Proprietor.	Occupier.	Tenant.			Rent payable under such Lease.	Feu Duty or Ground Annual, &c.	Yearly Rent or Value.				
				Not under Lease of 19 Years or upwards.	Under Lease of 19 Years and less than 57 Years.	Under Lease of 57 Years or upwards.			1854.	1855.	1856.	1857.	1858.
							£ s.	s.	£	£	£	£	£
1	Farm of -	A. B. of C. -	E. F., residing at .	—	G. H., residing at .	—	10 10	5	60	—	—	—	—
	—	—	—	—	—	—	—	—	—	60	—	—	—
	—	—	—	—	—	—	—	—	—	—	65	—	—
	—	—	—	—	—	—	—	—	—	—	—	65	—
2	Manor House and Grounds of .	A. B. of C. -	L.M., Advocate	L.M., Advocate	—	—	—	—	40	—	—	—	65
	—	—	O. P. of Q. -	—	—	—	—	—	—	40	—	—	—
	—	—	—	—	—	—	—	—	—	—	40	—	—
	—	—	—	—	—	—	—	—	—	—	—	40	—
	—	—	—	—	—	—	—	—	—	—	—	—	40

Proprietors of Feu Duties and Ground Annuals.

No.	Proprietor of Feu Duty or Ground Annual.	Description of Subject.	Proprietor of Subject.	Amount of Feu Duty or Ground Annual.				
				1854.	1855.	1856.	1857.	1858.
				£	£	£	£	£
350	K. L. of M. -	Houses and Ground in Village of .	C. D., residing at .	15	—	—	—	—
	—	—	—	—	15	—	—	—
	—	—	—	—	—	15	—	—
	—	—	—	—	—	—	15	—
	—	—	—	—	—	—	—	15

SCHEDULE B.

No. 1.

County of

The List of Persons entitled to vote in the Election of a Member for the County of in respect of Property situate in whole or in part within the following Parishes:

(1.) Parish of

Christian Name and Surname of each Voter at full Length.	Place of Abode.	Nature of Qualification.	Street, Lane, or other Place where the Property is situate, and Number of House (if any) or Name of Property, and the Name of the Tenant; or if the Qualification be a Feu Duty, then the Names of the Owners of the Property out of which such Feu Duty is payable, or some of them, and the Situation of the Property.

(Signed) *A.B.*
Assessor of the County of

No. 2.

Form of Notice of Claim to be given to Assessors.

To the Assessor of the County of

I hereby give you Notice, That I claim to have my Name inserted in the List of Persons entitled to vote in the Election of a Member for the County of , and that the Particulars of my Qualification are stated in the Columns below.

Dated the Day of in the Year 185 .

(Signed) *C.D.*

Christian Name and Surname of Claimant at full Length.	Place of Abode.	Nature of Qualification.	Place where Property is situated.	Parish in which Property is situated.

No. 3.

County of

List of Persons claiming to have their Names inserted in the List of Persons entitled to vote in the Election of a Member for the County of

(1.) Parish of

Christian Name and Surname of each Claimant at full Length.	Place of Abode.	Nature of Qualification.	Place where Property is situated.	Parish in which Property is situated.

No. 4.

Form of Notice of Objection to be given to Assessor.

To the Assessor of the County of

I hereby give you Notice, That I object to the Name of the Person mentioned and described below being retained in the List of Persons entitled to vote in the Election of a Member for the County of

Christian and Surname of the Voter objected to, as described in the List or Register.	Place of Abode as described in List, or Designation as in Register.	Nature of Qualification as so described.	Street, Lane, or other Place where the qualifying Property is situate, &c., as described in the List or Register.	Parish in which Property is situate.

Dated the Day of in the Year 185 .

(Signed) *E.F.*

(*Place of Abode.*)

No. 5.

No. 5.

Notice of Objection to be given to Parties objected to by any Person other than Assessors.

County of , Parish of

To Mr. of .

Take notice, That I object to your Name being retained in the List of Persons qualified to vote in the Election of a Member for the County of

Dated this Day of 185 .

(Signed) *E.F.*

(*Place of Abode.*)

No. 6.

List of Persons objected to, to be published by Assessors.

County of .

The following Persons have been objected to, as not being entitled to have their Names retained in the List of Persons qualified to vote in the Election of a Member for the County of .

(1.) Parish of .

Christian Name and Surname of each Person objected to.	Place of Abode.	Nature of the supposed Qualification.	Street, Lane, or other Place where the Property is situate, and Number of House (if any), or Name of the Property, and Name of the Tenant; or if the Qualification be a Feu Duty, then the Names of the Owners of the Property out of which such Feu Duty is payable, or some of them, and the Situation of the Property.

(Signed) *A.B.*,

Assessor of the County of .

SCHEDULE C.

No. 1.

Table of Rates of Payment to be demanded and paid for any List or Copy of a List (other than a Register) where a Payment is required and authorized by this Act.

For any List or Copy of a List containing any Number of Persons Names:—

	s.	*d.*
Not exceeding 100 Names - - -	*0*	*6*
Exceeding 100 and not exceeding 200 - -	*1*	*0*
Exceeding 200 and not exceeding 300 - -	*1*	*6*
Exceeding 300 and not exceeding 400 - -	*2*	*0*
Exceeding 400 - - - -	*2*	*6*

No. 2.

Table of Rates of Payment to be demanded and paid for any Copy of a Register or Part of any Register where a Payment is required and authorized by this Act.

For every Copy of any Register or any Parts of any Register containing any Number of Persons Names:—

	s.	*d.*
Not exceeding 1,000 Names - - -	*1*	*0*
Exceeding 1,000 and not exceeding 3,000 -	*2*	*6*
Exceeding 3,000 and not exceeding 6,000 -	*5*	*0*
Exceeding 6,000 and not exceeding 9,000 -	*7*	*6*
Exceeding 9,000 - - - -	*10*	*0*

Registration of County Voters.

(Scotland.)

A

BILL

For the Amendment of the Law for the Registration of the County Voters in Scotland.

(*Prepared and brought in by Sir Edward Colebrooke and Mr. Dunlop.*)

Ordered, by The House of Commons, *to be Printed*, 21 *April* 1858.

[Bill 51.]

Under 3 *oz.*

Registration of Partnerships Bill.

ARRANGEMENT OF CLAUSES.

Commencement of Act; Sect. 1.

Short Title; 2.

Act not to apply to certain Companies and Partnerships; 3.

Interpretation; 4.

Registrar General and Superintendent Registrars of Births, Deaths, and Marriages to be Registrar General and District Registrars of Partnerships; and General Register Office and District Register Offices formed for Purposes of this Act; 5.

Sums received by Registrar General to be accounted for and Expenses defrayed as other Expenses of General Register Office; 6.

Regulations by Secretary of State for Conduct of Officers under Act; 7.

Registrar General to provide General and District Register Books in Forms (A.) and (B.), and Forms, &c., for Purposes of Act; 8.

Registration of existing and future Partnerships; 9.

Change of Partners, Name of Firm, or Place of Business, to require a new Registration; 10.

District Register to be signed by Partners or verified by Declaration, but Partners may sign for other Partners not resident in England; 11.

Application for new Registration on Change of Partners, and Proof of Death of deceased Partner; 12.

No Action to be brought by Partnership during Non-registration; 13.

Removal of retiring or bankrupt Partner from Register; 14.

Notice of complete Dissolution of Partnership to be sent to District Registrar; 15.

Declaration in lieu of Oath; 16.

Fees for Registration in District Register, and for Declarations; 17.

Monthly Returns sent by District Registrars to General Register Office to be arranged in General Register and indexed, and Indexes of District Registers to be made by District Registrars; 18.

Searches in and Copy of General Register and District Registers; 19.

Certified Copies to be Evidence of Registration; 20.

Partners in unregistered Partnerships failing to give Information to be liable to Penalties recoverable before Justices; 21.

Penalties on forging Signatures and Seal, on making false Declaration, or false Registration; 22.

Notices; 23.

SCHEDULE.

A

B I L L

TO

Provide for the General Registration of Partnerships.

WHEREAS it is expedient that Provision be made for the general Registration of Partnerships as defined by this Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Commencement of Act.

I. This Act shall commence and have effect on and from the *First* Day of October *One thousand eight hundred and fifty-eight.*

Short Title.

II. This Act may be cited for all Purposes as "The Partnership Registration Act, 1858."

Act not to apply to certain Companies and Partnerships.

III. This Act shall not apply to any Joint Stock Company registered under the Acts for the Time being in force with respect to the Registration of Joint Stock Companies, and shall not apply to any Corporation or Company incorporated or authorized to carry on Business, or otherwise legally constituted, by or in pursuance of any Public or Private Act of Parliament, Royal Charter, or Letters Patent, or to any Company engaged in working Mines within and subject to the Jurisdiction of the Stannaries, or to any Banking Partnership, or to any Partnership consisting of more than Twenty Persons.

Interpretation: "Partnership."

IV. In the Construction and for the Purposes of this Act, unless it be otherwise expressly provided, the Term "Partnership" shall include every Firm or Partnership carrying on any Trade or Profession, and having, occupying, or using any Place of Business, in England, and whether such Firm or Partnership shall consist of Two or more Persons carrying on Business in their own Names or in some or One of their Names, or shall consist of One or more Person or Persons carrying on Business in the Name or Names of any other Person or Persons, or in his or their own Name or Names in conjunction with the Name or Names of any other Person or Persons, or carrying on Business under the Style or Title of any Company or Firm.

Registrar General and Superintendent Registrars of Births, Deaths, and Marriages to be Registrar General and District Registrars of Partnerships, and a General Register Office and District Register Offices formed for Purposes of Act.

V. The Registrar General for the Time being of Births, Deaths, and Marriages in England shall in right of his Office be the Registrar General of Partnerships, in this Act called the Registrar General, and the several Superintendent Registrars for the Time being of Births and Deaths in England shall in right of their Office be the District Registrars of Partnerships, in this Act called District Registrars, in their respective Districts, and the District for the Time being of every such Superintendent Registrar shall be deemed a District formed for the Purposes of this Act; and the General Register Office for the Time being provided in London or Westminster for the keeping of the Registry of Births, Deaths, and Marriages shall for the Purposes of this Act be the General Register Office for the Registration by the Registrar General of all Partnerships in England; and the Office for the Time being provided for or used by a Superintendent Registrar of Births and Deaths shall for the Purposes of this Act be the District Register Office for the Registration of all Partnerships in his District; and all Register Books, certified Copies, and other Documents by this Act required to be kept or filed shall be deposited and kept in the General Register Office, or, as the Case may require, in the District Register Office of the District to which such Register Books and Documents relate.

Sums received by Registrar General to be accounted for, and Expenses defrayed as other Expenses of General Register Office.

VI. All Sums of Money to be received by or on account of the Registrar General in pursuance of this Act shall be accounted for and paid in manner directed by an Act of the Seventh Year of King William the Fourth, Chapter Eighty-six, for registering Births, Deaths, and Marriages in England, with respect to Sums received by him or on his Account under the Provisions of that Act; and all Expenses incurred by the Registrar General, or by any District Registrar with his Sanction and acting under his Direction or Authority, in carrying this Act into execution, or making known its Provisions,

Provisions, shall be deemed to have been incurred in carrying on the Business of the General Register Office with respect to the Registration of Births, Deaths, and Marriages, and be defrayed accordingly.

Regulations by Secretary of State for Conduct of Officers under Act.

VII. One of Her Majesty's Principal Secretaries of State, or the Registrar General, with the Approbation of such Principal Secretary, from Time to Time may alter or vary the Forms given in the Schedule to this Act, or any of them, and may make Regulations for the Management with respect to the Purposes of this Act of the General Register Office, and for the Duties in the Execution of this Act of the Registrar General and District Registrars, and the Clerks and Servants of the General Register Office, so that such Regulations be not contrary to this Act, and the Regulations so made shall be binding on the Registrar General, District Registrars, Clerks, and Servants respectively.

Registrar General to provide General and District Register Books in Forms (A.) and (B.) and Forms, &c., for Purposes of Act.

VIII. The Registrar General shall from Time to Time provide and keep, for the Use of the General Register Office, Register Books sufficient for the Registration as required by this Act of all Partnerships in England, and such Register Books shall be called the General Register of Partnerships, and shall be in the Form (A.) in the Schedule to this Act, or to the like Effect, and shall from Time to Time provide every District Registrar with a sufficient Number of Forms for Notices, certified Copies, and other Documents requisite for enabling him to carry this Act into execution in his District, and also with Register Books sufficient for the Registration as required by this Act of all Partnerships in his District, and such last-mentioned Register Books shall be called District Registers of Partnerships, and shall be in the Form (B.) in the Schedule to this Act, or to the like Effect, and all such Documents and District Registers shall be forwarded to every District Registrar, to be kept by him with the other Records of his Office, and every Registration of a Partnership in a District Register shall be certified by the District Registrar, and there shall be at least One Witness to the Identity and Signature of every Person signing the District Register as a Partner.

Registration of existing and future Partnerships.

IX. Every Partnership existing on the *Thirty-first* Day of *December One thousand eight hundred and fifty-eight* shall on or before that Day, and every new Partnership formed on or after the *First* Day of *January One thousand eight hundred and fifty-nine* shall within *One Calendar Month* after the Formation thereof, be registered according to this Act in the District Register of the District in which the Partnership shall have, occupy, or use a Place of Business, and if the Partnership shall have, occupy, or use a Place of Business in Two

or more Districts, then the Partnership shall be registered in the District Register of each of such Districts.

Change of Partners, Name of Firm, or Place of Business to require a new Registration.

X. Whenever in a registered Partnership any Change shall happen by the Death or the Retirement, whether voluntary or compulsory, or the Bankruptcy of any registered Partner, or by the Admission of any new Partner, and the Business shall be continued to be carried on by a Partnership, or whenever in a registered Partnership any Change shall be made in the registered Name or Title of the Firm or Company, or in the registered Place of Business by the Removal thereof into any District other than the District in which the Partnership is registered, the Partnership carrying on the Business after such Change shall for the Purposes of Registration under this Act be deemed a new Partnership formed at the Time of the happening of such Change, and shall be registered accordingly, and the Registration of such new Partnership shall supersede and vacate the Registration of the Partnership as existing before such Change, and the District Registrar shall enter a Memorandum of the new Registration or a Reference to it opposite to the superseded Registration: Provided always, that if by any such Change the new Registration and superseded Registration shall not be made in the same District, the Persons requiring the new Registration shall give Notice thereof to the District Registrar of the District in which the superseded Registration was made, who shall enter a Memorandum of the new Registration, or a Reference to it, opposite to the superseded Registration: Provided also, that whenever a registered Partnership shall commence to have, occupy, or use a Place of Business in a District other than the District in which the Partnership is registered, Notice of the Registration of the Partnership in the new District, and of the new Place of Business, shall at the Time of making the Registration in the new District be given to the District Registrar of the former District, who shall enter a Memorandum of the new Place of Business, or a Reference to it, opposite to the former Registration.

District Register to be signed by Partners or verified by Declaration.

XI. Every Registration of a Partnership in a District Register shall be made on the Application of and shall be signed by all the Persons claiming to be registered as Partners in the Partnership requiring Registration: Provided always, that the District Registrar may register as Partner in a registered Partnership the Name of any Person who shall have signed an Admission of his being a Partner, and his Claim to be so registered, and shall have verified the same by his solemn Declaration in lieu of Oath, every such Admission to be made in Form (C.) in the Schedule to this Act, or to the like Effect, and to be delivered to the District Registrar before the Registration,

and

and to be filed by him among the Records of his Office: Provided also, that it shall not be necessary to obtain the Signature or Concurrence of a Partner who at the Time of making the Registration shall not be resident in England, but any of the other Partners may, on behalf and in the Name of his Copartner so non-resident as aforesaid, sign any Register Book, and concur in all Documents and Applications requisite for obtaining Registration under this Act.

but Partners may sign for other Partners not resident in England;

XII. Whenever a new Registration of a registered Partnership has become necessary by reason of the Retirement or Bankruptcy of a registered Partner, the District Registrar shall not make the new Registration or supersede or vacate the prior Registration, except, in the Case of such Retirement, on the Application or with the Consent in Writing of the Partner so retiring, and except in the Case of such Bankruptcy on the Production to the District Registrar of a Copy of the London Gazette, containing the Notice of Adjudication of the Bankruptcy of such Partner, with a solemn Declaration in lieu of Oath verifying the Identity with such registered Partner of the Bankrupt referred to in such Notice; and whenever the new Registration has become necessary by reason of the Death of a registered Partner, the District Registrar shall not make the new Registration or supersede or vacate the prior Registration, except on the Delivery to him, if the deceased Partner were at the Time of his Death resident in England, of a Certificate of his Death, or if the deceased Partner were at the Time of his Death not resident in England, of a solemn Declaration in lieu of Oath as Evidence of such Death, made by One of the Persons requiring to be registered in the new Registration as Partners; and the Certificate of the Death of a deceased Partner resident in England shall be delivered to the District Registrar by One of the Persons requiring to be registered in the new Registration as Partners within Twenty-eight Days after the Death of such deceased Partner; and the District Registrar may, if he think fit, require such Certificate, and the Identity with the deceased Partner of the Person to whose Death the Certificate refers, to be verified by solemn Declaration in lieu of Oath.

Application for new Registration on Change of Partners, and Proof of Death of deceased Partner.

XIII. If any present or future Partnership make default, and be not duly registered, then on and after the *First* Day of *January One thousand eight hundred and fifty-nine* no Action, Suit, or other legal Proceeding shall, until the Partnership be duly registered, be commenced or brought in the Name or on behalf of the Partnership so in default; but such Partnership, or any of the Partners thereof, shall not in consequence of such Default be incapable of being made Defendant or Defendants to any Action or Suit either at Law or in Equity.

No Action to be brought by Partnership during Non-registration.

Removal of retiring or bankrupt Partner from Register.

XIV. Whenever on the Retirement of any registered Partner, in a registered Partnership not regulated by a Deed or Articles of Partnership, the District Registrar of the District in which the Partnership is registered, on Payment to him of a Fee of *Two Shillings and Sixpence*, and on Delivery to him by the retiring Partner of a Copy of a Notice of such Retirement and of the Determination of such registered Partnership by such Retirement, with a Declaration in lieu of Oath verifying the personal Service of such Notice upon all the other registered Partners, shall enter a Memorandum of such Notice, or a Reference to it, on the District Register opposite to the Registration of the Partnership to which the Notice relates, and shall forthwith file the Copy of such Notice and the Declaration so respectively delivered to him among the Records of his Office.

Notice of complete Dissolution of Partnership to be sent to District Registrar.

XV. Whenever a registered Partnership shall be completely dissolved, Notice of such complete Dissolution shall be sent to the District Registrar of the District in which the Registration was made; and every such Notice shall be signed by all the registered Partners living at the Time of the sending of such Notice, and shall be verified by a solemn Declaration in lieu of Oath; and the District Registrar shall file the Notice and Declaration among the Records of his Office, and shall enter a Memorandum of the Dissolution, or a Reference to it, opposite to the Registration of the Partnership.

Declaration in lieu of Oath.

XVI. Every solemn Declaration in lieu of Oath by this Act required to be made with reference to a Partnership, or to the Registration or Dissolution of a Partnership, shall be made before a District Registrar, and which Declaration any District Registrar is hereby required and empowered to take accordingly; and every such Declaration may be in the Form (D.) in the Schedule to this Act, or to the like Effect.

Fees for Registration in District Register and for Declarations.

XVII. For every Registration of a Partnership in a District Register there shall be payable to the District Registrar, by the Persons applying or required to be registered as Partners, the following Fees; that is to say, if made within the Period prescribed by this Act, the Sum of *Five Shillings;* and if made after that Period, the Sum of *Ten Shillings;* and for every Memorandum or Reference by this Act required to be entered by the District Registrar on a District Register there shall be payable to him, by the registered Partnership opposite to the Registration of which or in respect of which the Memorandum or Reference is required to be entered, the Sum of *Two Shillings and Sixpence;* and for every Declaration taken by a District Registrar there shall be payable to him the Sum of *One Shilling.*

XVIII. Every

Monthly Returns sent by District Registrars to General Register Office to be arranged in General Register and indexed, and Indexes of District Registers to be made by District Registrars.

XVIII. Every District Registrar shall, *once in every Month*, on such Day as the Registrar General shall appoint, send to the Registrar General certified Copies of every Registration made or Memorandum or Reference entered in the District Register of his District during the preceding Month, and the Registrar General shall cause such certified Copies to be arranged in the General Register, and to be indexed in such Form as the Registrar General shall from Time to Time think fit; and for the Purpose of facilitating Searches in the District Registers, every District Registrar shall, at his own Expense, and from Time to Time, in such Form as the Registrar General may determine, make and keep Indexes of all the District Registers in his keeping.

Searches in and Copy of General Register and District Registers.

XIX. The Registrar General shall at all reasonable Times allow Searches to be made in the Indexes and General Registers of Partnerships at the General Register Office, and shall give certified Copies under the Seal of the said Office of any Entry in the General Register of Partnerships; and every District Registrar shall at all reasonable Times allow Searches to be made in all Indexes and District Registers of Partnerships in his keeping, and shall give a Copy certified under his Hand of any Entry in the same, such Searches and Copies to be respectively allowed and given on Payment of the following Fees; that is to say, for every particular Search, the Sum of *One Shilling;* for every general Search, the Sum of *Two Shillings and Sixpence;* and for every certified Copy of any Entry, the Sum of *Two Shillings and Sixpence.*

Certified Copies to be Evidence of Registration.

XX. All certified Copies purporting to be sealed with the Seal of the General Register Office of any Entry in the General Register of Partnerships, and all certified Copies purporting to be under the Hand of the District Registrar of any Entry in the District Registers of Partnerships of his District, shall respectively be received as Evidence of the Registration in accordance with this Act of the Partnership to which the same Entry relates.

Partners in unregistered Partnerships failing to give Information to be liable to Penalties, recoverable before Justices.

XXI. On the Application of any Person, and on Payment of a Fee of *Five Shillings*, the Registrar General, or the District Registrar of the District in which an unregistered Partnership has, occupies, or uses a Place of Business, shall from Time to Time send a Notice in Writing to any Person deemed by the Person making the Application to be a Partner in such unregistered Partnership, requiring from him full Information as to his Partners in the unregistered Partnership, and the Place or Places of Business of the unregistered Partnership, and shall, in accordance with the Application of such Person, require the Information to be given with

reference either to the Time of sending the Notice or to any previous Time or Times; and the Person to whom such Notice is sent shall, on Proof of his being a Partner in such unregistered Partnership, and of his failing for *Seven* Days after the sending of any such Notice to give or send to the Registrar General or District Registrar, as the Case may be, the Information so required from him, shall be liable to a Penalty of not less than *Five Pounds* and not exceeding *Ten Pounds;* and every such Penalty may be recovered before Two Justices of the Peace having Jurisdiction where the Place of Business of the unregistered Partnership is situate, in manner directed by an Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Forty-three, intituled "An Act to facilitate "the Performance of the Duties of Justices of the Peace out of "Sessions within England and Wales with respect to summary "Convictions and Orders."

Penalties on forging Signatures and Seal, on making false Declaration or false Registration.

XXII. If any Person forge the Signature of the Registrar General or of any District Registrar, or forge the Signature of any Person to a District Register, Notice, Application, Declaration, or other Document by this Act required, or forge or counterfeit any Seal of the General Register Office, or knowingly use or concur in using any such forged or counterfeit Signature or Seal, every Person so offending shall suffer the Pains and Penalties of Forgery; and if any Person making for the Purposes of this Act any solemn Declaration in lieu of Oath shall by such Declaration wilfully and falsely affirm or declare any Matter or Thing, every Person so offending shall suffer the Pains and Penalties of Perjury; and if any Person shall, as Witness to the signing of a District Register by a registered Partner, wilfully and falsely declare the Identity of such registered Partner, or shall wilfully and falsely procure to be registered any false Registration, every Person so offending shall be guilty of a Misdemeanor, and shall be liable, upon Conviction, to Imprisonment for any Term not exceeding *Two Years*, with or without Hard Labour.

Notices.

XXIII. Where by this Act any Notice is required to be given to any Person, such Notice may be given either personally or by sending the same by Post addressed to him at his last known usual Place of Abode or Business, or by leaving the same at such Place of Abode or Business.

SCHE-

SCHEDULE.

FORM (A.)

"PARTNERSHIP REGISTRATION ACT, 1858."

General Register, L *to* T.

Progressive Number.	Name of Firm.	Parish and County where Business carried on. Township, if any, to be stated. All Places of Business to be named, if more than One.	Nature of Business.	Names and Addresses of Partners.	When registered in District.	In what District registered.	Observations.
842	Smith, Johnson, and Hope.	Township of Salford, Parish of Manchester, County of Lancaster.	Commission Agents.	William Smith, Alfred Street, Manchester. James Johnson, Trinity Square, Stockport. Charles Hope, Hammersmith, in the County of Middlesex.	20th June 1858.	Salford District	Re-registered in District, 25th October 1859. Progressive Number in General Register, 32,186, or, Dissolved—Notice dated 25th December 1860.

FORM (B.)

"PARTNERSHIP REGISTRATION ACT, 1858."

District Register of Salford District.

Progressive Number.	Name of Firm.	Parish and County where Business carried on. Township, if any, to be stated. All Places of Business to be named, if more than One.	Nature of Business.	Names and Addresses of Partners to be signed by Partners in full.	Witness to Identity, and Signature of the Partners. Quality and Address to be given.	Name of Party identifying by Declaration, and Number of Declaration on File.	When registered.	Observations.
576	Smith, Johnson, and Hope.	Township of Salford, Parish of Manchester, County of Lancaster.	Commission Agents.	William Smith, Alfred Street, Manchester. James Johnson Trinity Square, Stockport. Charles Hope, Hammersmith, in the County of Middlesex.	Joseph Jones, Calico Printer, King Street, Manchester.	James Jones, Solicitor, No. 22, King Street, Manchester, as to Signature of A.B.	20th June 1858.	Re-registered 25th Oct. 1859. Progressive Number 12,521, or, Dissolved—Notice dated 25th October 1860.

Certified this Twentieth Day of June One thousand eight hundred and fifty-eight.

A.B. [District Registrar].

FORM (C.)

"PARTNERSHIP REGISTRATION ACT, 1858."

Admission of Partner for Registration on District Register.

I *A.B.* do admit, That I am a Partner in Partnership with [*C.D., &c., the other Partners*] in the Business of [ ] carried on at [*Place of Business*] in the County of [ ], and the District of [ ], under the Firm of [ ], and I do hereby claim to be registered accordingly as a Partner in such Partnership. As witness my Hand, the Day of

[*A.B.*]

FORM (D.)

"PARTNERSHIP REGISTRATION ACT, 1858."

Form of Solemn Declaration.

To the District Registrar of the District of [ ].

I *A.B.* do solemnly declare, That [*here state the Matter or Thing required to be verified by the Declaration*]. And I make the foregoing Declaration solemnly and deliberately and conscientiously believing the same to be true, pursuant to the Provisions of an Act passed in the [21st] Year of Her present Majesty, intituled "An "Act to provide for the Registration of Partnerships," well knowing that every Person who shall by solemn Declaration in lieu of Oath wilfully and falsely affirm or declare any Matter or Thing for any of the Purposes of that Act shall suffer the Pains and Penalties of Perjury. In witness whereof I have hereunto set and subscribed my Hand this Day of .

[*A.B.*]

Taken before me,
C.D.
[*District Registrar*].

Registration of Partnerships.

A

BILL

TO

Provide for the Registration of Partnerships.

(*Prepared and brought in by Viscount Goderich, Colonel Wilson Patten, Mr. Cheetham, and Mr. Turner.*)

Ordered, by The House of Commons, *to be Printed,* 22 *April* 1858.

[Bill 57.]

Under 2 oz.

A

B I L L

TO

Repeal certain Enactments requiring Returns to be made to One of the Secretaries of State.

WHEREAS certain of the Returns now required to be made to One of Her Majesty's Principal Secretaries of State, and which entail Charges on local Funds, have become unnecessary: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. From and after the *passing of this Act* the following Enactments requiring Returns to be made or transmitted to One of Her Majesty's Principal Secretaries of State shall be repealed; (that is to say,)

1. Section Twenty-four of an Act of the Fourth Year of King George the Fourth, Chapter Sixty-four, for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in England and Wales: Prisons Report. 4 G. 4. c. 64. s. 24.

2. So much of Section Eighty-six of an Act of the Session holden in the Fifth and Sixth Years of King William the Fourth, Chapter Seventy-six, as enacts that the Watch Committee of every Borough Police Returns. 5 & 6 W. 4. c. 76.

every Borough shall transmit quarterly to One of Her Majesty's Principal Secretaries of State a Report of the Number of Men appointed to act as Constables or Policemen in such Borough, and of the Description of Arms, Accoutrements, and Clothing and other Necessaries furnished to each Man, and of the Salaries, Wages, and Allowances payable to such Constables or Policemen, and of the Number and Situation of all Station-houses in such Borough:

Police Courts Returns. 2 & 3 Vict. c. 71. s. 15.

3. So much of Section Fifteen of an Act of the Session holden in the Second and Third Years of Her Majesty, Chapter Seventy-one, as requires an Abstract to be furnished to One of Her Majesty's Principal Secretaries of State, of all Reports furnished for the Use of the quarterly Meetings of Magistrates therein mentioned:

Bastardy Returns. 7 & 8 Vict. c. 101.

4. Section Eleven of an Act of the Session holden in the Seventh and Eighth Years of Her Majesty, Chapter One hundred and one:

Juvenile Offenders Returns. 10 & 11 Vict. c. 82.

5. So much of Section Eleven of an Act of the Session holden in the Tenth and Eleventh Years of Her Majesty, Chapter Eighty-two, as enacts that the Clerks of the Peace of every County, Borough, Liberty, or Place shall transmit to One of Her Majesty's Principal Secretaries of State a Monthly Return of the Names, Offences, and Punishments of all Persons convicted under the Provisions of that Act, with such other Particulars as may from Time to Time be required.

Returns to Secretary of State.

A

BILL

To repeal certain Enactments requiring Returns to be made to One of the Secretaries of State.

(Prepared and brought in by Mr. Hardy and Mr. Secretary Walpole.)

Ordered, by The House of Commons, *to be Printed*, 13 *July* 1858.

[Bill 212.]

Under 1 *oz.*

A

B I L L

TO

Enable Counties in Scotland to abolish Tolls and Statute Labour, and to maintain their public Roads and Bridges by Assessment.

Preamble.

WHEREAS it is expedient that the levying of Tolls and Pontages, and the Exaction of Statute Service, or Payments in Money by way of the Conversion thereof, as regards public Roads and Bridges in Scotland, should, with the Consents and to the Extent herein-after expressed, be abolished, and other Means provided for the Improvement and Maintenance of the said Roads and Bridges in Time coming: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Commissioners of Supply may agree to adopt this Act.

I. The Commissioners of Supply of any County may, at any ordinary Meeting, or at any special Meeting held for the Purpose of taking such Matter into consideration, in either Case after *Three Weeks* previous special Notice by Advertisement in One or more Newspapers published or commonly circulated within the County, herein-after termed "local Newspapers," resolve by a Majority of their Number to adopt this Act.

Resolution to that Effect to be published, &c.

II. The Clerk to the Commissioners of Supply shall forthwith deliver or transmit to the Sheriff Clerk of the County a Copy of the Resolution to the said Effect, subscribed by the Chairman and Clerk of the Meeting, to be registered in the Sheriff Court Books of the County; and the said Resolution shall be likewise by the Clerk to the said Commissioners published in the Edinburgh Gazette, and in One or more of the said local Newspapers.

Electors of Members of every Parochial Board to elect a Member of the County Road Board.

III. In the Event of such Resolution being adopted the Persons qualified in Terms of an Act of the Eighth and Ninth Years of the Reign of Her present Majesty Queen Victoria, Chapter Eighty-three, entitled "An Act for the Amendment and better "Administration of the Laws relating to the Relief of the Poor "in Scotland," to meet, and elect any Members of the Parochial Board of any Parish within the County, not being a Burghal Parish within the Meaning of the said recited Act, shall at the ordinary Meeting of each respectively, held annually in Terms of the said recited Act, for the Purpose of electing any Members of the Parochial Board thereof, also elect any Male Person of full Age (not being a Commissioner of Supply of the County) to be One of the Members of the County Road Board; and in case within any such Parish the Meeting for the said Election shall not be held prior to the First Meeting of the County Road Board herein constituted, then and in that Case the Parochial Board of such Parish shall meet, and elect a Person to represent such Parish in the said County Road Board; and the Person so elected shall be a Member thereof, until any other Person shall have been elected in manner before provided; and it shall be the Duty of the Clerk of every Parochial Board forthwith to communicate in Writing on the Occasion of the First Election under this Act to the Clerk to the Commissioners of Supply, and on the Occasion of every subsequent Election to the County Road Clerk, the Name, Description, and Address of the Person so elected, and the Date of his Election: Provided always, that any Person so elected shall on the Expiry of the said Term of Office be eligible for Re-election.

A County Road Board to be constituted.

IV. A Board, to be called the County Road Board, shall be constituted, and shall consist of the following Persons; viz.,

(1.) All Persons being Commissioners of Supply of the County:

(2.) All Persons who shall, although not Commissioners of Supply, be at the Time of the Adoption of this Act Trustees of any Road within the County under the Provisions of any Public General or any Local Statute:

(3.) One Person to be elected annually by Persons qualified in Terms of the said recited Act to elect any Members of the Parochial Board for every Parish within the County, not being a Burghal Parish within the Meaning of the said recited Act.

V. A Meeting

First Meeting of the County Road Board.

V. A Meeting of the County Road Board shall be convened by public Advertisement in One or more local Newspapers, and shall be held at such Time and Place within the County as the Convener of the County shall determine, being not later than Months after the Date of the said Meeting of the Commissioners (at which it was resolved to adopt this Act), with Power to adjourn to such other Day and Hour as to the Meeting shall seem expedient; and the Convener of the County, if present, shall be Chairman, and the Clerk to the Commissioners of Supply shall be Clerk to the Meeting; or, in case of the Absence or Inability of the said Chairman or of the said Clerk, such other Persons as the Meeting shall name shall be respectively the Chairman and the Clerk of the Meeting.

Convener of the County to be the ordinary Chairman, and Meeting to elect a Vice-Chairman.

VI. The Convener of the County shall be the ordinary Chairman, and One of the Members thereof shall be elected by the Board to be the Vice-Chairman thereof; and in the Absence of both any Person to be elected by the Meeting shall preside; and in case of an Equality of Voices at any Meeting the Preses shall have a casting as well as a deliberative Vote; and the Vice-Chairman to be so elected shall hold the said Office only during *Three Years* and until his Successor shall have been appointed, but shall be eligible for Re-election.

A "County Road Committee" to be appointed.

VII. The Board shall at the said First Meeting thereof or at any adjourned Meeting proceed to nominate a Committee of their Number, to be called the "County Road Committee," consisting of not fewer than *Nine* nor more than *Fifteen* Members, of whom *One Third* Part shall be a Quorum, and not less than *One Third* Part shall be composed of Persons each of whom shall have been elected a Member of the Board as the Representative therein of One or other of the said Parishes, in manner herein set forth; and One of the Members of the said Committee shall by the said Meeting be appointed the Convener thereof; and the Vice-Chairman of the Board shall be ex officio a Member, and the ordinary Chairman thereof, and in case of an Equality of Voices at any Meeting the Preses shall have a casting as well as a deliberative Vote.

Powers of the County Road Committee.

VIII. The County Road Committee shall have and may exercise the whole Powers, Rights, and Privileges herein conferred on the said County Road Board, except in so far as herein otherwise expressly provided, but shall be nevertheless in all respects subject to any Requisitions, Orders, Regulations, or Instructions which may be from Time to Time issued by the said County Road Board.

County Road Committee may dis-

IX. The County Road Committee may distribute the public Roads and Bridges within the County into such Number of Divisions or

tributeRoads intoDistricts, and District Committees to be appointed in such Case.

Districts as they shall see fit, and may nominate and appoint for each One of such Divisions or Districts such Number of Members of the County Road Board, being not fewer than (*Nine* nor more than *Twelve*,) as the said Committee shall see fit, to be a "District Road Committee;" of whom *Three* shall be a Quorum, and not less than *One Third* Part shall consist of Persons each of whom has been elected a Member of the Board as the Representative therein of One or other of the said Parishes, in manner herein set forth; and One of the Members of each of the said District Committees shall be by the said County Road Committee appointed the Convener, and shall also be the ordinary Chairman thereof; and besides the Members thereof to be so nominated, every Person being a Member of the County Road Committee shall be ex officio a Member of the District Road Committee for the District within which such Person shall be usually resident.

Powers of District Road Committee.

X. Every District Road Committee shall have and may exercise within the Limits of the District thereof such Powers, Rights, and Privileges as shall be from Time to Time thereon conferred by the County Road Board, or by the County Road Committee, and shall be at all Times subject to any Orders, Requisitions, Regulations, or Instructions which may be issued from Time to Time by the said Board or by the said County Road Committee.

Meetings of County Road Committee and District Road Committees.

XI. The County Road Committee and every District Road Committee shall meet so soon as conveniently may be after the same shall have been severally appointed, and thereafter from Time to Time so often as shall be necessary, in order to the due Disposal of the Business thereto committed, and shall hold not fewer than *Four* Meetings at least in every Year, at such Times and with such previous Notices as shall be fixed by the said Board, or otherwise determined by the said County Road Committee; and it shall be the Duty of the Convener of the County Road Committee and of every District Road Committee to call a special Meeting thereof, on the Requisition to that Effect of any Three Members thereof.

Members of County Road Committee and of District Road Committee to hold Office for Three Years and One Third to retire annually.

XII. The Members of the County Road Committee and of every District Road Committee shall continue in Office for *Three Years*, and *One Third* in Number thereof shall retire annually; and at each Annual General Meeting of the Board the Vacancies so arising shall be supplied, subject to the Condition herein-before stated with respect to the Constitution of such Committees respectively; and in case of the Decease, Resignation, or Incapacity of any Member of the County Road Committee or of any District Road Committee, the remanent Members thereof shall nominate a Successor to act in the Room and Place of such Member until the Expiration of the Term of Service for

for which he was elected; provided that the Persons to be nominated Members of the said Committees on the Occasion of the original Constitution thereof shall continue in Office for One, Two, and Three Years respectively, and that *One Third* Part thereof shall retire annually in the Order of their Names arranged alphabetically.

A general Clerk to be appointed.

XIII. A general Clerk shall be appointed for and by the County Road Board, who shall be entitled the "County Road Clerk;" and where duly qualified in the Opinion of the Board, the Person for the Time acting as general Clerk to the Trustees of the principal or other public Roads within the County shall be appointed to the said Office; and where more than One Person shall be so acting as Clerk, the County Road Board shall select one or other of such Persons for the said Office; and when at any Time thereafter the said Office shall become vacant, the said Board shall appoint thereto a fit and proper Person; and it shall be in the Power of the County Road Board, as they shall see Cause, to remove any Person appointed to the said Office, and to appoint a Successor.

A County Road Treasurer to be appointed.

XIV. The County Road Board shall in like Manner appoint a fit and proper Person to be the Treasurer thereof, who shall be entitled the "County Road Treasurer," and shall give such Security for his Intromissions as the said Board shall require; and when at any Time the said Office shall become vacant the said Board shall appoint thereto a fit and proper Person; and it shall be in the Power of the said Board, as they shall see Cause, to remove any Person appointed to the said Office, and to appoint a Successor.

County Road Board may sue and be sued in Name of their Clerk or Treasurer.

XV. Every County Road Board may pursue and be pursued in all Actions or Processes in the Name of their Clerk or Treasurer for the Time being; and no Action or Process brought or commenced by or against any County Road Board by virtue of this Act in the Name of their Clerk or Treasurer shall cease by the Death or Removal of such Clerk or Treasurer, or by the Act of such Clerk or Treasurer, without the Consent of the said County Road Board or County Road Committee, but their Clerk or Treasurer for the Time being shall always be deemed to be the Pursuer or Defender (as the Case may be) in every such Action or Process: Provided always, that all Expenses of Process or Proceedings so incurred by such Clerk or Treasurer shall be reimbursed and paid out of the Funds at the Disposal of the said County Road Board or County Road Committee.

A chief Surveyor to be appointed

XVI. The County Road Committee shall appoint a Chief Surveyor of Roads and Bridges within the County, who shall appoint such

who shall appoint Officers under him.

such Number of Persons to be Assistant Surveyors or other Officers under his Superintendence, and with such Duties, Salaries, and Allowances, and under such Conditions, as the County Road Board shall from Time to Time fix and prescribe; and the said Salaries and Allowances and all other necessary Expenditure shall be paid out of the Assessments to be levied under this Act; and such Appointments shall be in all Cases subject to the Approval of the said County Road Committee; and the said County Road Committee may at any Time, as they shall see fit, remove the said Chief Surveyor or any other of the said Officers or Servants, and may appoint Successors.

County Road Board to fix the Salaries of Clerks, Officers, and Servants.

XVII. The County Road Board shall, either directly or by means of the County Road Committee, from Time to Time fix and determine the Salaries or Allowances to be paid to the County Road Clerk and to the County Road Treasurer, and to the Chief Surveyor of Roads respectively, and shall also fix and determine from Time to Time what Number of Clerks, Treasurers, Assessors, Collectors, Superintendents, or other Officers or Servants shall be appointed for the Service of the said County Road Board, and shall fix their Salaries or Allowances, and the whole of the said Salaries and Allowances shall be paid by means of the Assessments to be levied under this Act; and all such Clerks, Treasurers, Collectors, Superintendents, and other Officers and Servants, except as herein-before otherwise provided, shall be appointed by the said County Road Committee, or by One or other of the said District Road Committees, as the said County Road Committee shall see fit; and it shall be in the Power of the said County Road Committee, as they shall see Cause, to remove any one of them, and to appoint a Successor.

Powers of County Road Board.

XVIII. The County Road Board shall have the Control and Management of the whole public Roads and Bridges within the County, except as herein expressly otherwise provided, and in order thereto shall come in the Place of and shall have and exercise the whole Powers, Rights, Immunities, and Privileges conferred, and, with the Exceptions herein contained, shall incur all the Liabilities imposed, by any subsisting Public General or Local Statute on the Trustees of any public Roads or Bridges within the County, which Powers, Rights, Privileges, Immunities, and Liabilities are hereby transferred to the said County Road Board, as fully in all respects as if the same had been enumerated herein; and the whole public Roads and Bridges within the County shall form One General and Common Trust in and for the County, without any separate Divisional or District Management, except as herein provided; and the said Roads shall be entitled the "County public Roads."

XIX. The

Public Roads to be divided into Two Classes; and may be transferred from one Class to another.

XIX. The County Road Committee shall as soon as convenient and as far as practicable, distribute the said County Public Roads into Two several Classes, the First Class whereof shall include any Roads within the County known as any of the Great Post Roads, and also all other Roads which are Turnpike Roads, and all Bridges therewith connected; and the Second Class whereof shall contain such of the County Public Roads and Bridges as shall not be contained in the said First Class; and it shall be in the Power of the said County Road Committee, with the express Approval of the said County Road Board, from Time to Time as they shall see Cause, to transfer any Road or definite Part of a Road from any one to any other of such Classes on such Notices and Conditions as the said County Road Board shall deem necessary.

Powers of Assessment and other Powers conferred on County Road Board not to extend to Burghs or Towns.

XX. The Powers of Assessment and other Powers herein conferred on the County Road Board shall not be held to extend and apply to any Lands and Heritages or other Property, or to any Streets, Roads, or Bridges situated within, or to any Horses or Mules usually kept and stabled within the Parliamentary Boundaries of any City or Burgh sending or contributing to send a Representative to Parliament, or within the Police Boundaries of any other Burgh, Town, or "populous Place," in any Case where the Inhabitants of such City, Burgh, Town, or populous Place shall have adopted and put in operation within the same an Act of the Third and Fourth Years of the Reign of His late Majesty King William the Fourth, Chapter Forty-six, entitled "An Act to enable Burghs in Scotland "to establish a general System of Police," or shall have adopted and put in operation an Act of the Thirteenth and Fourteenth Years of the Reign of Her present Majesty Queen Victoria, Chapter Thirty-three, entitled "An Act to make more effectual Provision for regu- "lating the Police of Towns and populous Places in Scotland, and "for paving, draining, cleaning, lighting, and improving the same," or which shall be under the Operation of any Local Police Act; Provided always, that the Act so adopted or so in operation within the same shall contain Provisions for the Repair and Maintenance of the Streets and Ways of such City, Burgh, Town, or populous Place: But it is hereby provided, that the Magistrates and Council or the Commissioners of Police or other Local Authority charged with the Maintenance of the Streets and Ways within the same shall be bound and obliged to make, maintain, and uphold in good and sufficient Repair the whole public Roads and Bridges within the Boundaries respectively above specified: Provided further, that nothing herein contained shall affect or impair the Liability to make, maintain, or keep in repair any Streets, Roads, or Bridges which shall have been or may hereafter be imposed on any Feuars or other Proprietors, or on the Occupiers of any Lands and Heritages,

by any Charters, Dispositions, or other Deeds or Titles conveying or affecting the same, or which shall be imposed by the established Usage and common Custom of such City, Burgh, Town, or populous Place.

County Road Board to lay on Assessment.

XXI. The County Road Board shall, in order to provide for the making, Improvement, and Maintenance of the County public Roads and Bridges, in the first instance at any Meeting to be held for the Purpose, and thereafter annually at the Annual General Meeting thereof to be held in Terms of this Act, impose and levy an Assessment at such Rate as the said County Road Board shall from Time to Time determine to be necessary for the Purposes thereof, including the Expenses of the Collection of the same, which Assessment may, in the Option of the said County Road Board, be levied in any one of the Three following Modes; (that is to say,)

An Assessment Half on the Owner and Half on the Tenant and Occupant of Lands and Heritages;

(1.) An Assessment whereof *One Half* shall be imposed and levied on the Owners, and the *other Half* whereof shall be imposed and levied on the Tenants and Occupants of "Lands and Heritages" within the County, as the same shall for the Time being appear in the Valuation Books of the County made up in Terms of an Act passed in the Seventeenth and Eighteenth Years of the Reign of Her Majesty Queen Victoria, Chapter Ninety-one, entitled "An Act for the "Valuation of Lands and Heritages in Scotland," but whereof the whole Amount shall be due and payable by the said Tenants and Occupants, each of whom so paying shall have, as against the Owner of the said Lands and Heritages, a Right of Relief by the Repayment of such Advances, or by the Retention of the Amount thereof from the Rent next due and payable in respect of such Lands and Heritages, or otherwise: Provided always, that the said Assessment shall in no Case be at a higher Rate than the Rate of *pence* for every Pound of the said annual Value of any of the said Lands and Heritages; or,

or an Assessment on the Proprietors of Horses and Mules.

(2.) An Assessment on the Proprietors of all Horses and Mules exceeding *Twelve Hands* in Height, and not less than *Four Years* of Age, usually kept and stabled within the County, according to the greatest Number of the same kept and used by every Proprietor during the Year ending on the *Fifth Day of April* next preceding the Period of the Imposition of the said Assessment: Provided always, that the said Assessment shall not be imposed and levied in respect of any Horse or Mule which shall not have been in the bonâ fide Possession of such Proprietor during at least *Three Months* of the Year of Assessment, and that in no Case shall the said Assessment be at a higher Rate than the Rate of for each Horse or Mule so kept and used; and provided further, that in no Case shall an Assessment be levied in respect of any Horse or Mule in more than one County during any One Year; or,

(3.) *One*

(3.) *One Half* of the total estimated Amount requiring to be levied for the Purposes of this Act may be imposed and levied on the Owners and Tenants and Occupants of the said Lands and Heritages, in the Manner herein (first) set forth, and the *other Half* thereof on the Proprietors of Horses and Mules, in the Manner herein (secondly) set forth: Provided always, that in such Case the said cumulative Assessment on the Owners and the Tenants and Occupants of the said Lands and Heritages shall not be at a higher Rate than the Rate of *pence* for every Pound of the said annual Value thereof, and that the Assessment on the Proprietors of Horses and Mules shall not be a higher Rate than the Rate of for every Horse or Mule so kept and used; and provided further, that whenever any One of the said Modes of Assessment shall have been adopted and put in operation it shall not be lawful to the County Road Board to alter the same until after the Expiration of at least *Three Years* from and after the first Adoption thereof.

or an Assessment Half on Owners and Tenants and Occupants of Lands and Heritages, and Half on the Proprietors of Horses and Mules.

XXII. In case the Monies otherwise at the Disposal of the Magistrates and Council or the Commissioners of Police or other Local Authority, for the making, Improvement, and Maintenance of the public Roads and Bridges within the Parliamentary or the Police Boundaries respectively of any City, Burgh, Town, or populous Place, as aforesaid, shall not be sufficient and adequate to the said Purposes, the Magistrates and Council or the Commissioners of Police or other Local Authority charged with the Maintenance of the Streets and Ways thereof may and shall impose and levy an Assessment, *One Half* whereof shall be imposed on the Owners and the *other Half* whereof shall be imposed on the Tenants and Occupants of all Lands and Heritages (as the same shall from Time to Time appear in the said Valuation Roll) lying and situated within the said respective Boundaries, but the whole whereof shall be due and payable by the Tenant and Occupant, who shall, on Payment thereof, have Right of Relief, by way of Repetition, Retention, or otherwise, from the Owner of such Lands and Heritages, and which Assessment shall be at a Rate not exceeding the Rate of *pence* for each Pound of the annual Value of the said Lands and Heritages; and the said Rate may be assessed, levied, and collected together with and as Part of the Rate levied within such City, Burgh, Town, or populous Place under the Provisions of an Act of the Second and Third Years of the Reign of Her present Majesty Queen Victoria, Chapter Forty-two, entitled "An Act to improve Prisons and Prison Discipline in Scotland," and any Act amending the same, or under the Provisions of either of the said recited Acts relating to the Police of Towns, or under the Provisions of any Local Police Act, or together with any other general or local

Assessment to be levied in Burghs and Towns if necessary.

local Rate payable and collected within the said City, Burgh, Town, or populous Place, or otherwise as the said Magistrates and Council or Commissioners of Police or other Local Authority respectively shall determine, and the Monies to be raised under the Powers of this Act shall be applicable exclusively to the Purposes herein set forth.

County Road Board to levy an Assessment for the Payment of Debt.

XXIII. The County Road Board shall, in order to the Repayment of any borrowed Monies, or the Liquidation of any Debts which may have been received or contracted by the Trustees of any Turnpike or other public Road within the County, or by the said Board, and subject to the Powers of Classification herein contained, impose and levy on the Owners of the said Lands and Heritages within the County an additional annual Assessment, which Assessment shall not be at a higher Rate than will be necessary in order to raise by means thereof a Sum which shall be equal to *Five Pounds* for every hundred Pounds of the total Amount of the Capital Sums for which the County Road Board shall have become liable; and the annual Interest, so far as payable on any such Debts, shall be chargeable on and defrayed by the ordinary annual Assessments herein first set forth.

When no Assessment levied, last Year's Assessment to be held as continued.

XXIV. Where in any Year the County Road Board shall have failed or omitted to impose and levy the Assessments provided by this Act to be levied for the ordinary annual Expenses (in which may be included any Deficiency for any past Year) and for the Extinction of Debt respectively, then and in that Event the Assessment of the preceding Year shall be held as continued for the then current or ensuing Year, and the Collector or Collectors is and are hereby empowered to levy the same as if such Assessment had been actually made and imposed by the said County Road Board.

Classification as respects Districts or Areas.

XXV. Where, in consequence of the Amount of the local Traffic, or of any other local Cause operating within any District, Area, or Part of the County, a proportionally greater Expenditure in the making, Improvement, and Maintenance of the public Roads and Bridges thereof shall be incurred or requisite, or where, on the other hand, a proportionally less Expenditure shall be so incurred or requisite, than in the other Parts of the County, and keeping in view the Amount of the Revenue derived from such District or Area by means of the Assessments herein provided, as compared with that derived from the rest of the County, the County Road Committee may, with the express Approval of the County Road Board, for the Purposes of Assessment, exercise the Power of Classification, and provide that within such District or Area (the Limits thereof being first

first distinctly assigned and described) the Assessments shall be at such higher Rate, or, on the other hand, at such lower Rate, than the Rate levied in any other Parts of the County, and may apportion the same as to the said Board shall seem just, and may provide that the Expenses incurred or to be incurred with respect to the Roads and Bridges within any District or Area or Part of the County shall be provided for by means of the Assessments to be levied within such District or Area, either wholly or to such Extent as shall be judged equitable.

Classification as respects the Quality or Description of Lands and Heritages.

XXVI. The County Road Committee may, with the express Approval of the County Road Board, for the Purposes of Assessment, exercise the Power of Classification with respect to the "Lands and Heritages" within the County according to the Nature, Quality, and Description of the same, and may distribute the same into any Two or more Classes, and may provide that "Lands and Heritages" contained in any one Class (the Nature, Quality, and Description of the same being first clearly defined,) shall be assessed at such higher Rate than the "Lands and Heritages" contained in any other Class, and may apportion the Assessments thereon as to the said Committee shall seem just.

Classification of Horses and Mules.

XXVII. The County Road Committee may, for the like Purposes, with the like Approval, exercise a Power of Classification with respect to Horses and Mules liable in Assessment under this Act, and may distribute the same into any Two or more Classes, and may provide that Horses and Mules contained in any one Class (the Nature, Description, or Employment thereof being first clearly defined), shall be assessed at such higher Rate than the Horses and Mules contained in any other Class, and may apportion the Assessments in respect of the the same as to the said Committee shall seem just.

Every Exercise of Powers of Classification to be subject to the Review of the Sheriff.

XXVIII. Every Exercise of any of the several Powers of Classification herein conferred shall be subject to the Review of the Sheriff of the County; and on the summary Petition or Complaint of any Person interested therein or affected thereby, presented within *Fourteen Days* of the Date of the Meeting of the County Road Board by which the same was approved and authorized, but not otherwise, and of which Petition or Complaint Intimation shall be made by the Petitioner or Complainant to the County Road Clerk within *Twenty-four Hours* at latest of the Time of the Presentation thereof, by the Service or Transmission of a Copy of the same, the Sheriff shall, after hearing the Parties, and after such farther Inquiry and after taking such Evidence (if any) as shall to him seem requisite, consider and determine how far the proposed Classification so complained of is or

is not equitable, and may alter or modify the same accordingly as he shall see fit, and may find either of the Parties liable in the Expenses of such Petition or Complaint, and of the Proceedings consequent thereon; and the Judgment to be pronounced by him shall be final, and not subject to Review; and it shall not be competent to the County Road Committee or the County Road Board to alter any Classification which shall have been adopted (whether or not the same shall have been brought under the Consideration of the Sheriff) until the same shall have been in operation during at least *Three Years*.

Creditors of Road Trustees to have Right of Recourse against Monies to be raised by Assessment.

XXIX. Every Creditor in respect of any Advances made by way of Loan to the Trustees of any public Road or of any public Bridge within the County shall have Right, by way of Security for such Debt and the Interest thereof, and in lieu of any Security before or at the Adoption of this Act held by such Creditor, to such Recourse against the Monies to be raised by Assessment in Terms of this Act as such Creditor might have had at the Time of the Adoption of this Act, or but for the passing of this Act would have had against the Tolls, Dues, or other Revenues derived from such Road or Bridge by the Trustees to whom and on the Credit and Security of which such Advances were made: Provided always, that the fair actual Value and Amount of all such Advances or Debts shall have been first ascertained by Valuation in the Manner herein provided, in every Case where the County Road Committee shall not have expressly by any Writing under the Hands of any Three or more of their Number admitted the fair actual Value and Amount of such Advances or Debts to the Satisfaction of the Creditor; but no such Creditor shall have Right to Repayment of the Principal Sum so admitted or ascertained to be due and resting owing to such Creditor at a higher Rate than by yearly Instalments at the Rate of *Five Pounds* for every Hundred Pounds of the admitted or ascertained Value and Amount of the said Principal Sum, and of any Interest due and in arrear thereon, (which shall be accumulated with the said Principal Sum,) besides the current yearly Interest thereof, it being nevertheless in the Power of the said County Road Committee to pay off any such Debt by such larger Instalments as they shall judge expedient.

Where Monies have been lent on the Personal Security of the Trustees of any Road.

XXX. Where any Monies shall have been borrowed on the Security of any Personal Bonds granted by or otherwise on the Personal Obligation or Security of any one or more Trustees of any public Road or Bridge within the County, and applied bonâ fide to the Purposes of the Trust, such Trustee or Trustees, or their Heirs, Executors, or Assignees, shall be held to be the proper Creditors as respects such Advances or Debts, and shall in all respects have the like Recourse against

against the Monies to be levied by Assessment under this Act as is in the last preceding Section hereof provided with respect to Persons who shall have made Advances on the Credit and Security of the Tolls or other proper Revenues of the Trust.

Assessor of Railways and Canals under the Valuation Act to be the Valuator of Debts under this Act.

XXXI. The Person for the Time being appointed to be the Assessor of Railways and Canals under the said recited Act of the Seventeenth and Eighteenth Years of the Reign of Her present Majesty Queen Victoria, Chapter Ninety-one, entitled "An Act for the Valua- "tion of Lands and Heritages in Scotland," shall be the Valuator of Debts under this Act, and shall be entitled to receive such Remuneration or Salary for his Services, or the Services of Clerks or other Persons employed by him, as the Sheriff of the County shall ascertain and fix, provided that the same in any One Year shall not exceed the Sum of *Pounds*, which Remuneration or Salary, as well as any Travelling Expenses or other Outlays fairly incurred by the said Valuator in the Execution of the Duties hereby imposed, shall, after the same have been submitted to and allowed by the Sheriff, form a Charge against the first Monies to be raised by Assessment under this Act, and may be recovered from the County Road Treasurer.

Duties of Valuator.

XXXII. It shall be the Duty of the said Valuator to estimate and ascertain the fair actual Value (if any) of any Debts incurred and resting owing for Advances made to the Trustees of any public Road or Bridge within the County on the Credit and Security of the Tolls or other Revenues of the Trust, or on the Personal Credit and Security of any one or more of the said Trustees, (as the Case may be,) wherever the fair actual Value thereof shall not have been admitted by any Writing under the Hands of any *Three* or more Members of the County Road Committee, to the Satisfaction of the proper Creditor (expressed in any Writing under the Hand of such Creditor), as respects every one of such Advances; and in making such Valuation the said Valuator shall take into account the Nature of the Security and every other Circumstance which may in the Opinion of the Valuator affect the Value of such Security or Debts; and after such Examination and Inquiry as to the Valuator shall seem necessary, he shall estimate and determine the fair actual Value thereof, and of any Interest due and in arrear thereon; provided that in such Estimate the Valuator shall in all Cases deduct and disallow all such Interest as shall have been due and in arrear during more than Years previous to the Date of the Adoption of this Act.

Valuator may summon Witnesses and call for

XXXIII. In the Execution of his Duties under this Act, the Valuator may, by any Summons or other Writing under his Hand, require the Attendance before him, at a Time and Place within the

Production of Books, Accounts, &c.

County to be mentioned in such Writing, of any Trustee or Officer of any Road or Bridge Trust within the County, as well as of any other Person whom he may think fit to examine upon any Question or Matter connected with or relating to the Execution of his Duties under this Act, and may examine upon Oath any such Trustee, Officer, or Person, and may require the Production of any Books, Accounts, Maps, Acts of Parliament, Bonds, Assignations, or other Documents which the Valuator may consider to relate to any such Question or Matter: Provided always, that no Person shall be obliged by any such Summons or Writing to go or travel more than *Twenty Miles* from the Place of his usual Abode.

Penalty on giving false Evidence or destroying Documents.

XXXIV. Every Person who, being examined under the Authority of this Act by the Valuator, shall wilfully and corruptly give false Evidence, shall be guilty of and shall incur the Pains of Perjury; and every Person who, being summoned as aforesaid, shall wilfully refuse or neglect to attend or to give Evidence, and every Person who shall wilfully alter, suppress, conceal, destroy, or refuse to produce any such Books, Accounts, Maps, Acts of Parliament, Bonds, Assignations, or other Documents as aforesaid, shall be liable for every such Offence to a Penalty not exceeding *Ten Pounds*, in the Discretion of the Sheriff, and which may be recovered by the County Road Clerk, or by the Clerk to the Trustees of any Public Road within the County, or on the Application of the said Valuator, and the same shall be applied towards defraying the Expenses of the said Valuation.

Valuator to make Award.

XXXV. The Valuator shall thereupon make, in the Case of every Turnpike Road Trust or Statute Service Road Trust, and of every Bridge Trust, a separate Award in Writing, and shall specify therein the Names of all such Persons as he shall have determined to be entitled to any Monies as Assignees or Creditors with respect to such Trust, together with the Sums of Money to which, in the Judgment of the Valuator, the said Persons shall be respectively entitled, and shall also specify therein the Names of all such Persons as shall have claimed or who shall appear to be Creditors or Assignees of such Trust, to whom the Valuator shall have determined to award no Sum; and the said Valuator shall forthwith deliver a Copy of his Award to the Clerk or other Officer of such Trust; and the said Clerk or other Officer shall, within *Three Days* from the Delivery of such Award, give Notice in Writing to the several Persons therein named of the Particulars of such Award regarding such Persons respectively; and in case any Part of the public Roads and Bridges of such Trust shall be locally situated within any County or Counties other than the County for which the said Valuator shall be so acting, he shall nevertheless have Power and it shall be his Duty to fix and determine the Proportion

of

of any such Debts which shall effeir and belong to each One of the said Counties respectively; and from and after the Date of such Award no Creditor in any such Debt shall have any Claim against the Monies to be raised by Assessment under this Act within the County for which the said Valuator shall be so acting, except to the Extent and under the Conditions specified and allowed in such Award: Provided always, that such Portion of the said Roads and Bridges as shall be locally situated within the said last-described County shall from and after the Date of such Award be under the Control and Management and shall be kept and maintained exclusively by the County Road Board thereof; and the said Board shall not be liable in any Expenses to be thereafter incurred in the Improvement or Maintenance of any of the Parts of the said Roads and Bridges which are locally situated within such other County or Counties.

Valuator to determine what Proportion of Debts to be provided for by Assessments on Lands Heritages within Burghs.

XXXVI. Where any subsisting Debts shall have been incurred by the Trustees of any of the said Public Roads and Bridges, for Monies expended on the Formation, Improvement, or Maintenance of the same, whereof any Part or Parts are locally situated within the Parliamentary or the Police Boundaries respectively of any City, Burgh, Town, or populous Place to which the Assessments to be by the said County Road Board levied do not apply and extend, the said Valuator shall inquire and ascertain what Part of any Sums to which he shall find any Creditors in such Debts entitled ought in the Circumstances to form a Burden on the Monies to be levied by the said County Road Board, and what Part thereof (if any) ought to form a Burden on any Monies to be levied within the said respective Boundaries of such City, Burgh, Town, or populous Place; and the said Valuator shall in his Award set forth and specify, and shall apportion the same accordingly, and from and after the Date of such Award and Apportionment the said Debts shall be a Burden on the Revenues respectively of the County Road Board, and of such City, Burgh, Town, or populous Place, to the Extent to be so determined, and not otherwise; and the Magistrates and Council or the Commissioners of Police or other Local Authority shall, in order to the Discharge of the Liability thus imposed on the respective Revenues of such City, Burgh, Town, or populous Place, make Payment annually and until the whole Amount thereof shall have been paid to the County Road Treasurer of such Sum as shall be equal to *Five* Pounds for every Hundred Pounds of the total Amount of the Debt so ascertained and apportioned, besides the Interest thereon for the Year next preceding, and the Receipt of the said Treasurer shall be a sufficient Discharge thereof; and the Monies necessary in order to such Payment shall be raised by means of Assessments, which shall be imposed and levied in like Manner with the Assessments to be

be by the said Magistrates and Council or the said Commissioners of Police or other Local Authority, under the Powers of this Act, imposed and levied on the Owners and Tenants and Occupants of Lands and Heritages lying within the said Parliamentary or Police Boundaries respectively of such City, Burgh, Town, or populous Place, in manner herein-before provided.

Parties aggrieved may appeal to the Sheriff or Lord Ordinary.

XXXVII. Any Person deeming himself aggrieved by any such Award, Valuation, or Apportionment may obtain Redress by satisfying the said Valuator, within of the Date thereof, that such Person has a well-founded Ground of Complaint, and obtaining an Alteration by the said Valuator of his Award, Valuation, or Apportionment accordingly, which Alteration he is in such Case authorized to make, or by lodging a Note of Appeal within the Term above specified to the Lord Ordinary officiating on the Bills in the Court of Session, or, where the Roads and Bridges to which such Complaint relates are all situated within One County, then to the Sheriff of such County; and all Proceedings before such Lord Ordinary or Sheriff, as the Case may be, under this Act, shall be summary, and may be taken either in Court or at Chambers, and shall be conducted in such Way as such Lord Ordinary or Sheriff respectively may prescribe or allow; and any Deliverance which may be pronounced by such Lord Ordinary or Sheriff, as the Case may be, shall receive Effect, and it shall be the Duty of such Valuator to alter his Award in conformity therewith; and such Deliverance, and the Award, Valuation, or Apportionment of the said Valuator, if not appealed against, or if appealed against in so far as not altered by a Deliverance of the Lord Ordinary or Sheriff as aforesaid, shall be final and conclusive, and not subject to Review; and the Amount to be so ascertained shall be the Amount for which each Creditor shall be entitled to claim Repayment by means of the Assessments to be levied under this Act.

Valuator to make a General Award.

XXXVIII. So soon as conveniently may be after the Amount of the Sums payable to the several Creditors of the Trusts or Trustees within the County shall have been valued and ascertained, in so far as the said Valuator may be required or may be enabled to ascertain the same, and when the necessary Corrections consequent on any Deliverance under any Appeal herein allowed shall have been made, the said Valuator shall draw up, and deliver to the County Road Clerk, a General Award, which shall set forth the specific Sums payable to each One of the Creditors of the said Trusts within the County, and which shall also set forth the Names of the Persons claiming as Creditors to whom no Sum has been found to be due, which Award shall be subscribed by the said Valuator, and shall be

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primâ facie Evidence that the Sums respectively therein set forth are the true Value and Amount of the Debts for which the said County Road Board shall be liable to the said Creditors respectively; and the said Award shall be recorded in the Sheriff Court Books of the County.

Authentication of Documents.

XXXIX. All Awards or other Instruments made by or proceeding from the Valuator, in pursuance of this Act, shall be sufficiently authenticated if under the Hand of the Valuator, and the same may be either in Writing or in Print, or partly in Writing and partly in Print; and all such Awards and other Instruments, or Copies thereof, purporting to be executed by the Valuator, shall be Evidence that such Awards or other Instruments were duly made and executed, and that all the Requirements of this Act in relation thereto were complied with, unless the contrary be shown; and it shall not be necessary that any such Award or other Instrument shall have any Stamp attached thereto.

Claims to be extinguished.

XL. Upon Payment, pursuant to this Act, of the Sums specified in the said several Awards, the Claims of all Persons in respect of the Sums so awarded, and of the Securities or Debts in respect of which Sums shall have been so awarded, shall be extinguished.

County Road Committee may borrow on the Credit of the Assessments.

XLI. It shall be lawful to the County Road Committee to borrow and take up at Interest on the Credit of the future Assessments to be levied under this Act and to burden the same with the Repayment of such Sums of Money as they shall from Time to Time think proper, and to assign the said Assessments or any Part thereof as a Security to any Person who shall advance such Sum; and every such Assignation in Security shall be subscribed by any Three or more Members of the said County Road Committee; and the Expenses of such Assignations shall be paid out of the said Assessments, and Copies thereof shall be entered by the County Road Clerk in any Book or Books to be kept for the Purpose; and it shall be lawful for all Persons respectively to whom any Assignation in Security of Assessments shall be made as aforesaid, or who shall be from Time to Time entitled to the Money thereby secured, to transfer by Indorsation on such Assignation his Right and Interest in and to such Assignation of Assessments and the Principal Money and Interest thereby secured to any other Person whomsoever; and such Assignation, with Notice to the said County Road Clerk, and the Entry thereof in any of the said Books, shall operate as an intimated Assignation; and every Indorsee may in like Manner indorse the same; and such Indorsation, with Notice, as aforesaid, shall operate as an intimated Assignation, and so toties quoties; and all Persons to whom any such Assignation or Indorsation shall be made as aforesaid shall, in proportion

to the Sum of Money thereby secured, be Creditors on the said Assessments in equal Degree one with another, or in such Order as shall be agreed upon and stipulated by the said Trustees at the Time of the Advance of their respective Shares.

Tolls, Statute Service, and Pontages to be abolished.

XLII. From and after the Term of *Whitsunday* next following the Date of the Adoption of this Act in any County, but subject always to the Exceptions herein-after stated, the levying of any Tolls or Pontages, as regards any of the public Roads or any Bridges in connection with any public Roads, and the Exaction of any Statute Service, or of any Payments in Money by way of Conversion thereof, within such County, or within any City, Burgh, or Town therein, shall be and the same are hereby abolished, and from and after the said Term all such Tolls, Pontages, Services, and Payments shall cease: Provided always, that where any such Tolls shall be held by any Tacksman under any Set or Tack at the Date of the Adoption of this Act such Tolls shall cease only on the Expiration of the said Set or Tack.

Abolition of Pontages not to extend to certain Bridges.

XLIII. Nothing in this Act contained shall be held to extend and apply to any of the Bridges described in the Schedule (A.) hereto annexed, or to any Trustees of the same, or to any Tolls or Pontages leviable thereon.

Abolition of Tolls not to affect any local Customs levied in Burghs.

XLIV. Nothing in this Act contained shall be held to abolish or affect any Causeway Maills, or other Dues, Rates, or Customs, which are at the Adoption thereof or lawfully may be imposed and levied within any City, Burgh, or Town.

Property of Road Trustees to be transferred to County Road Board.

XLV. From and after the said Term of *Whitsunday next* following the Date of the Adoption of this Act, all the Roads, Bridges, Lands, Buildings, Works, Rights, Interests, Monies, Property, and Effects, Rights of Action, Claims and Demands whatsoever, of or to which the Trustees of any of the said public Roads and Bridges within the County, under or by virtue of any Public General or any Local Statute, or otherwise, were immediately before the said Term of *Whitsunday* vested, seised, and possessed of or in any manner of way entitled to, shall become and be, from and after the said Term of *Whitsunday*, vested in the County Road Board of such County, who may sue for and recover the same, and they shall be liable in all the Debts, Liabilities, and Claims and Demands in which any of the said Trustees under any of the said Acts are or were liable, except such of the same as are by this Act extinguished.

Persons who have acted under Public

XLVI. All Persons acting or who have acted under any of the said Public General or Local Statutes as the Trustees of any of the said

said public Roads or Bridges within the County, or as any Clerks or other Officers or Servants of any such Trustees, who shall, at or after the said Term of *Whitsunday* next following the Adoption of this Act, have in their Custody, Power, or Possession any Monies collected by virtue of any of the said Acts, or any Books, Deeds, Papers, Writings, or Effects belonging to any of the said Trustees, or relating to the Execution of any of the said Acts, shall pay and deliver up the same to the said County Road Board, or to such Person as the said Board shall appoint to receive the same; and in case of Neglect or Refusal the Person so neglecting or refusing shall for every such Offence be liable in a Penalty not exceeding *Twenty Pounds*, to be recovered at the Suit of the County Road Clerk or the County Road Treasurer before the Sheriff, and shall also be liable to such Actions as the County Road Board may commence for the Recovery of the Monies, Books, Deeds, Papers, Writings, or Effects so neglected or refused to be paid or delivered up as aforesaid.

General or Local Acts to account for Monies and to deliver up Books under Penalty.

XLVII. So soon as conveniently may be after the said Term of *Whitsunday* next following the Adoption of this Act, all Toll Houses, and Lands therewith connected, in so far as the same shall not be required for the Use of the County Road Board, or of any of the Officers or Servants thereof, and whole other Property and Effects belonging to the Trustees of any of the said public Roads within the County, shall be disposed of in the Manner provided in the Seventy-first Section of the herewith incorporated Act of the First and Second Years of the Reign of His late Majesty King William the Fourth, Chapter Forty-three, and the Proceeds thereof shall be applied, in such Manner as the County Road Board shall see fit, to the Extinction of any Debts or to any of the other Purposes to which the Assessments to be levied under this Act may be applied.

Toll Houses, &c., so far as not required for the Purposes of the Roads, to be sold as under General Turnpike Act.

XLVIII. The County Road Board shall hold an Annual General Meeting on the of *April* in every Year, and a Special Meeting thereof shall be convened by the Chairman on the Requisition to that Effect of any *Ten* Members thereof.

Annual Meeting of County Road Board.

XLIX. The County Road Committee shall, not later than *Ten Days* previously to the said Annual General Meeting, prepare, and publish in One or more of the said local Newspapers, a Report to the Board, containing a State of the Accounts for the Year ending on the Day of next preceding, which Accounts shall have been made out, balanced, and audited in such Way as the Board shall direct, and which Report shall also contain an Estimate of the anticipated Expenditure for the Year next ensuing, in the Liquidation of Debts, in the Payment of the Interest on any

County Road Committee to prepare and publish Estimate of Expenses before AnnualMeeting.

borrowed Monies, in the Improvement and Maintenance of the public Roads and Bridges, in providing Office Accommodation, Books, or Stationery, the Payment of the Salaries, Allowances, or Expenses of Clerks, Officers, and Servants, and whole other ordinary Disbursements, and which Report shall set forth the Rate of Assessment which in the Opinion of the said County Road Committee shall be necessary in order to raise the requisite Monies, and shall specify distinctly any Exercise of any of the Powers of Classification hereby conferred which shall to the Committee seem requisite or expedient, and which Report shall also contain a Statement of the whole subsisting Debts of the Board, and any Proposals or Suggestions by the Committee for the Liquidation thereof: Provided always, that no Error or Defect in any such Report shall impair or affect the Powers of Assessment or any other Powers hereby conferred on the County Road Board.

Assessment Roll to be made out.

L. So soon as conveniently may be after the County Road Board shall have at any Meeting thereof made and levied any of the Assessments under this Act, and at latest before the Day of of each Year, the County Road Committee shall cause a Roll of Assessments to be prepared, showing the Name and Description of each Person liable in any Part thereof, and the Amount of the same for which each Person is so liable, and in such Roll any Assessments in respect of Horses and Mules shall be distinguished from any Assessments in respect of Lands and Heritages, and any Two or more Classes into which any of the said Lands and Heritages or any of the said Horses and Mules may for the Purposes of Assessment have been distributed shall be distinguished one from another, and the Amount levied on any Tenant and Occupant of any Lands and Heritages shall be distinguished from the Amount levied on the Owner thereof, and the said Roll shall be authenticated in such Manner as the County Road Committee shall prescribe, and any Omissions in such Roll or List of Persons liable to be assessed may be supplied by means of a supplementary Roll or List.

Roll to be open for Inspection and Board to decide in Appeals.

LI. The Roll of Assessment to be made up as aforesaid shall be open for the Inspection of any Person interested therein during not less than *Fourteen Days*, at such Place and in such Manner as the County Road Committee shall determine; and any Person deeming himself aggrieved by any Assessments therein may, within any Time to be specified by the County Road Committee, appeal by any Notice in Writing addressed by Post or delivered to the County Road Clerk of the Intention of so appealing; and the Board shall appoint a Committee of their Number, and shall fix a Day or Days for the hearing of Appeals, and shall give public Notice by Advertisement

tisement of the Time so fixed; and the said Committee shall have Power to adjourn the Meeting thereof from Day to Day; and the said Committee, or any *Three* Members thereof, shall judge in the said Appeals, and their Decision shall be final, and not subject to Review; and it shall be lawful to the said County Road Board, if they shall see Cause, to appoint, in like Manner, and with the like Powers in all respects, a Committee to decide on Appeals within every District of the County, to be composed of Members of the District Road Committee of such District, of which Committee *Three* shall be a Quorum.

After Appeals disposed of, Assessment Roll to be completed.

LII. So soon as conveniently may be after the Appeals of which Notice shall have been given shall have been disposed of by the Committee for that Purpose appointed, the said Roll of Assessments, which may be either written or printed, or partly written or partly printed, shall be corrected so as to be in conformity with the Decisions thereof, and shall be completed, authenticated, and subscribed in such Manner as the County Road Committee shall determine; and the said Roll shall thereafter be conclusive Evidence that the Persons therein named and described are liable in the Sums respectively therein stated, and shall be a sufficient Warrant and Authority for the Collection of the Sums therein specified; and any such Assessments shall not be invalid because of any accidental Omissions or any Errors in the Name or Description of any Person, or in the Amount for which any Person may be liable, all which Errors may be corrected by any Assessor or Clerk in Terms of any special Orders given to such Effect by the County Road Committee.

Assessments may be collected along with any other general or local Rate.

LIII. The Assessments to be so levied may be collected by the Collector of the Land or Assessed Taxes, or of the Prison Rate, or of the Assessments levied for the Relief of the Poor, or of any other general or local Rates or Taxes collected within the County, or in such other Way as to the County Road Committee shall seem expedient, and the same shall be due and payable, in Advance, at such Times and Places as the said County Road Committee shall from Time to Time determine.

Summary Modes of enforcing Payment of Assessments.

LIV. The whole Powers and Right of issuing summary Warrants and Proceedings, and all Remedies and Provisions enacted for collecting, levying, and recovering the Land and Assessed Taxes, or either of them, and other public Taxes, shall be held to be applicable to Assessments imposed by virtue hereof; and the Sheriffs, Magistrates, Justices of the Peace, and other Judges may grant the like Warrants for the Recovery of all such Assessments, in the same Form and under the same Penalties as is provided in regard to such Land and Assessed Taxes and other public Taxes: Provided always, that it

shall nevertheless be competent to prosecute for and recover such Assessments by Action in the Sheriff's Small Debt Courts; and all Assessments for the Maintenance of Roads shall, in case of Bankruptcy or Insolvency, be paid out of the first Proceeds of the Estate, and shall be preferable to all other Debts of a private Nature due by the Parties assessed.

Persons paying Assessment in any County may travel Miles in any other adjoining County without paying Tolls.

LV. Every Person who shall have paid any of the Assessments levied by virtue of this Act in any one County, and all Horses, Mules, Cattle, Carts, and Carriages, of whatever Description, bonâ fide the Property and in the Possession of such Person, shall be entitled to go and travel into any other adjoining County or Counties, and on any of the public Roads thereof, to any Distance not exceeding *Miles* from and beyond the Boundaries of the said County of Assessment, without being liable in the Payment of any Tolls levied or exacted on any Horses, Mules, Cattle, or Carriages going or travelling on any of the said Roads, any Statute to the contrary notwithstanding; and the Possession of any Card, Ticket, or other Certificate bearing or purporting to bear the Signature of the County Road Clerk of any County shall be primâ facie Evidence that the Holder thereof is entitled to the said Exemption from the Payment of Toll: Provided always, that the said Card, Ticket, or other Certificate shall set forth the Name and Description of the Person to whom the same is granted, and shall bear the Date of the granting thereof; and provided also, that the same shall have Effect during *Twelve Months* from and after the Date thereof, and no longer; and the said Provision before written, and the Provision next following hereon, shall be printed on the reverse Side of any such Card, Ticket, or Certificate.

Penalty on Persons unlawfully using any Certificate of Exemption.

LVI. Any Person who shall wilfully, falsely, and unlawfully make use of or attempt to make use of any such Card, Ticket, or Certificate, either himself or by any Servant or other Person in the Employment or under the Orders of such Person first described, shall be liable for every such Offence in such Penalty not exceeding *Ten Pounds* as the Sheriff or any Two or more Justices of the Peace of any County shall adjudge, and the same may be recovered summarily by any Person suing therefor, and shall be disposed of as the said Sheriff or Justices of the Peace shall direct.

Exemptions from Assessments.

LVII. The County Road Board shall have Power to exempt from Payment of any of the Assessments to be levied by the said Board in Terms of this Act the Tenants and Occupants of any Lands and Heritage the annual Value whereof shall not exceed the Sum of *Four Pounds*, and may remit in respect of Poverty the whole or any Part of any of the Assessments levied under this Act.

LVIII. The

Exemptions from Assessments in Burghs.

LVIII. The Magistrates and Council or Commissioners of Police or other Local Authority shall have Power to exempt, in whole or in part, from the Payment of any of the Assessments to be by such Authority levied under this Act within any City, Burgh, Town, or populous Place, the Tenants and Occupants of any Lands and Heritages the annual Value whereof shall not exceed the Sum of *Five Pounds*.

Notices or Schedules may be served.

LIX. The County Road Clerk, or any other Person by the County Road Committee authorized so to do, may, with a view to prepare any List of Assessments under this Act, serve Notices or Schedules on all Persons keeping or believed to keep any Horses or Mules; and such Notices or Schedules may be served either by the Delivery of the same, or through the Post Office; and every Person who shall have received any such Schedule shall be bound to fill up and return the same within *Ten Days* of the Receipt thereof; and every Person who shall wilfully fail or neglect so to do shall be liable in a Penalty not exceeding *Ten Pounds*, and every Person who shall wilfully make any false Return shall be liable in any Penalty not exceeding *Twenty Pounds*, which Penalties may respectively be recovered by the County Road Clerk before the Sheriff, and shall be applied to the Purposes of the County Road Board; and failing the Payment of the Penalty last mentioned the Person who shall have been found liable therein shall be subject to Imprisonment for any Term not exceeding *Sixty Days*.

Schedules or Notices not to be void because of accidental Error, and Acts of Board and Committees to be valid though Numbers incomplete or Election illegal.

LX. Every Notice or Schedule to be given or sent in the Execution of this Act may be either written or printed, or partly written and partly printed; and every such Notice or Schedule, and every Award or Roll of Assessments to be made, and every Resolution to adopt this Act to be passed, shall be valid notwithstanding any Informality or accidental Error in or affecting the same or any Proceedings following thereon; and all Acts of any County Road Board or of any County Road Committee or of any District Road Committee shall be valid notwithstanding that the Number of the Members thereof shall be incomplete, or the Election of any Member shall have been illegal, but without Prejudice to such Election being set aside in due Course of Law.

Incorporation of General Turnpike Act with this Act.

LXI. The Provisions of an Act of the First and Second Years of the Reign of His late Majesty King William the Fourth, Chapter Forty-three, entitled "An Act for amending and making more "effectual the Laws concerning Turnpike Roads in Scotland," in so far as the same are not inconsistent herewith, shall be and the same are hereby incorporated with this Act, and the same shall extend and apply to all the County public Roads and Bridges, including Roads of the Second Class, before described, as also to any

Roads and Bridges hereafter to be formed and made, in Terms of the said last-recited Act or of any other Public General or Local Act authorizing the Formation of any new Roads or Bridges, or of this present Act: Provided always, that Roads of the First Class in each County shall be of the Breadth at present required for ordinary Turnpike Roads, and that Roads of the Second Class shall be of the same Breadth as at the passing hereof; and provided farther, that where any Distinctions at present exist between Great Post or Turnpike Roads and Statute Service Roads, as regards Buildings, Nuisances, Obstructions, and Offences on the same, or on the Sides thereof or adjoining thereto, such Distinctions shall be applicable to each Class of the said County Roads, and the Bridges therewith connected respectively, in the same Way as at and prior to the Operation of this Act within the County, but no farther or otherwise; and in the Construction of the said last-recited Act with reference to this Act the Words "Trustees under any Turnpike Act," or any other similar Words, shall include and apply to every County Road Board and to every County Road Committee and to every District Road Committee to be constituted in Terms hereof, in so far as such Application shall not be excluded by the Context, or by the Character or Nature of the Person, Matter, or Thing to which any of the Provisions of the said last-recited Act shall relate, or by any of the Provisions of this Act.

Roads under Commissioners of Highland Roads and Bridges excepted from Act.

LXII. Nothing herein contained shall be construed or taken to extend to any of the Roads which are now or may hereafter be placed under the Direction and Management of the Commissioners for Highland Roads and Bridges, under and by virtue of an Act of the Fifty-ninth of George the Third, Chapter One hundred and thirty-five, the Fourth of George the Fourth, Chapter Fifty-six, the Fifth of George the Fourth, Chapter Thirty-eight, or an Act passed in the Fifty-sixth Year of His Majesty George the Third, Chapter Eighty-three, entitled "An Act for improving the Road from the City of Glasgow to the City of Carlisle."

Repeal of all Statutes inconsistent with this Act.

LXIII. All Laws, Statutes, and Usages are hereby repealed in so far as inconsistent herewith, but no farther or otherwise.

Short Title of Act.

LXIV. This Act shall be sufficiently described and cited in all Cases under the Title of "The Abolition of Tolls (Scotland) Act, 1858."

When Act shall come into operation.

LXV. This Act shall come into operation as respects every County in Scotland from and after the Date of the Publication in the Edinburgh Gazette in manner herein provided of any Resolution to adopt the same within such County.

SCHE-

SCHEDULE (A).

The Provisions of this Act not to extend to the following Bridges, viz.:

Roads, &c. (Scotland.)

A

BILL

To enable Counties in Scotland to abolish Tolls and Statute Labour, and to maintain their public Roads and Bridges by Assessment.

(Prepared and brought in by Lord Elcho, Mr. Moncreiff, and Sir Edward Colebrooke.)

Ordered, by The House of Commons, *to be Printed,* 26 *March* 1858.

[Bill 40.]

Under 3 oz.

A

BILL

INTITULED

An Act for confirming a Scheme of the Charity Commissioners for the Hospital of Saint Mary Magdalen in the Borough of Newcastle.

WHEREAS the Charity Commissioners for England and Wales, in their Report to Her Majesty of their Proceedings during the Year One thousand eight hundred and fifty-seven, have reported that they have provisionally approved and certified (among other Schemes for the Application and Management of Charities) a Scheme for the Hospital of Saint Mary Magdalen in the Borough of Newcastle, and such Scheme is set out in the Appendix to the said Report, and is also set out in the Schedule to this Act: And whereas it is expedient that the said Scheme should be confirmed: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble, 5th Report, dated 26th Feb. 1858.

I. The said Scheme shall be confirmed and take effect.

Scheme confirmed.

SCHEDULE.

SCHEME

For the Application and Management of the Charity called The Hospital of Saint Mary Magdalen, at Newcastle-on-Tyne, in the County of Northumberland.

1. The existing incorporation of the Master and Brethren of the Hospital of Saint Mary Magdalen at Newcastle-on-Tyne, by whatever name they are incorporated, shall be dissolved, and their several offices and places shall be abolished from the time at which this scheme shall come into operation.

2. The management of the Charity, and of all the possessions thereof, according to this scheme, shall be vested in the municipal corporation of the town of Newcastle-on-Tyne, to whom the appointment of the master has hitherto belonged, unless or until trustees of the public Charities in their administration shall be appointed under the Act for the Regulation of Municipal Corporations in England and Wales, and thenceforth in trustees to be appointed also of the Charity hereby constituted, in like manner as if the same had been among the public Charities vested in the municipal corporation of the said town at the time of the passing of the last-mentioned Act; but all the real estate of the said Charity shall be legally vested in the Official Trustee of Charity Lands constituted by "The Charitable Trusts Act, 1853," and "The Charitable Trusts Amendment Act, 1855," and shall be subject to the provisions of the same Acts relating to lands vested in such Official Trustee.

3. The present master of the said Hospital shall be entitled to retain the office of minister of the Chapel of Saint Thomas, annexed thereto, and continuing to perform or provide for the services of the said Chapel, shall be entitled to the emoluments provided for such minister by this scheme.

4. The minister shall be paid by the managers of the Charity for the time being, herein-after styled the managers, out of the first yearly revenues arising from the endowments thereof, the yearly sum of 500*l.*, by equal half-yearly portions, to be computed from the day on which this scheme shall come into operation, in addition to the surplus pew rents also made payable to him.

5. The managers shall promote the assignment to the said Chapel of an ecclesiastical district, with cure of souls, or the constitution of a new parish, of which the said Chapel shall become the church, and the minister thereof the incumbent, but so that any such new district or parish constituted while the present master of the said Hospital shall be minister of the said Chapel shall be constituted with his consent, or subject and without prejudice to his tenure and rights in respect of that office.

6. Until any such new district or parish shall be constituted, the managers shall have the same power of making salutary statutes and ordinances concerning Divine service to be performed in the said Chapel, or otherwise in relation thereto, as was reserved to the mayor and common council of the town of Newcastle-upon-Tyne by an Act of Parliament relating to the said Hospital, passed in the seventh and eighth years of the reign of King George the Fourth.

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7. The pew rents in the said Chapel shall be due to and recoverable by, and shall be accordingly collected by or for the disposal of the said managers, until the creation of any such district or parish as aforesaid, and shall afterwards be due to and recoverable by, and shall be collected by the incumbent and churchwardens of the same district or parish; and the same shall be applicable primarily to the repair of the fabric and to the furniture of the Chapel, the salaries of the clerk, sexton, organist, and choir, and the servants of the Chapel, and the general expenses thereof; and the surplus, after making a reasonably sufficient reserve for those several purposes, shall be paid to the minister or incumbent of the said Chapel, for his use.

8. The managers shall further apply, out of the revenues of the said Charity, the clear yearly sum of one hundred pounds towards the support of the schools already established in connexion with the said Chapel, by paying such sum to the trustees or managers of such schools for the time being, for the purposes thereof: provided always, that no children whose parents or next friends shall claim for them in writing this exemption shall be required compulsorily to learn the catechism or to attend the services of the Established Church, and this exemption shall be a condition of the payment of the said yearly sum of one hundred pounds.

9. From and after the constitution of any such new district or parish as aforesaid, the advowson of the said Chapel or Church shall be vested in the said Official Trustee of Charity Lands, but in trust for the managers of the said Charity, to whom also the appointment of the minister of the said Chapel, upon any prior vacancy, shall belong; but such advowson shall, as soon as conveniently may be thereafter, be sold by the said managers, with the approval of the Charity Commissioners for England and Wales, and the purchase money arising therefrom shall be disposed of as follows; namely, one moiety thereof shall be applied by the managers, with the approval of the incumbent and churchwardens of the new district or parish for the time being, to the building or providing of a glebe house and residence for the permanent use of the incumbent thereof, and in the meantime shall be invested in the public funds, of which the dividends shall be paid to such incumbent for his use, such investment to be made in the name of "The Official Trustees of Charitable Funds," or in the names of such of the said managers, as a stock committee, as shall be previously approved by the Board of Charity Commissioners for England and Wales; and the other moiety of the said purchase monies shall be carried to the general account of the managers, for the charitable purposes herein-after directed.

10. The managers shall pay out of the general income of the Charity to the surviving brother of the Hospital appointed by the late master thereof, by quarterly payments, to be computed from the day on which this scheme shall come into operation, during his life, an annuity of 250*l.*, being the estimated amount of his present income from the Charity, or such annuity as the managers shall find to be equivalent to the average incomes of each of the brethren from the Charity during the five years next preceding the last-mentioned day.

11. The managers shall be at liberty to apply any such yearly sum, not exceeding 150*l.*, for the benefit of the brother of the said Hospital, appointed before the end of the year 1857, during his life, as, upon inquiry into the circumstances of his appointment, they shall think just and expedient.

12. The managers shall accumulate all the principal monies and all surplus income of the Charity in their hands, which respectively shall not be presently applicable to any other purposes of this scheme, by investing the same and the resulting income thereof in the public funds, either in the name of the Official Trustees of Charitable Funds, or in the names of such of the said managers, as a stock committee, as shall have been approved by the said Board, until the accumulations or funds at the disposal for this purpose of the managers shall be sufficient, either alone or with any charitable contributions or other resources available to them for this purpose, to establish and fit up an Hospital on the sea-side for the reception and relief of poor persons suffering from scrofulous or other diseases specifically requiring for their relief the benefit of such an institution, and shall then apply the said funds to the purchase or acquisition of a proper site for, and to the erection and fitting up of such an Hospital, but with the previous approval of the said Board, to be given upon their being satisfied of the eligibility of the proposed site, and of the sufficiency of the funds for the time being available for the stated purposes.

13. The Hospital to be so established shall be called the Magdalen Hospital, and shall be open, primarily and in preference over other applicants, to poor freemen of the town of Newcastle-on-Tyne, suffering from any such diseases as aforesaid, and, subject to that preference, to poor persons of the said town in the same state of suffering.

14. The whole subsequent income of the Charity, not required for the preceding special purposes, shall be applied by the managers, with the aid of any charitable contributions or other funds available for this purpose, and with the aid also, if necessary, of such moderate payments to be required from the inmates of such new Hospital, to the maintenance thereof, with its necessary establishment of medical officers, nurses, servants, and others, and to the maintenance, care, and relief of its inmates.

15. The institution of the said Hospital shall be subject to such regulations for the government thereof, and of its inmates, including their admission, care, and removal, and the necessary contributions, if any, to be required from them, as shall from time to time be established by the managers, with the approval of the said Board. The managers shall also, with the like approval, establish suitable regulations for the government of themselves and their proceedings in relation to the said Hospital, which may include provisions for delegating to or vesting in committees of their body any duties of administering or superintending the said Hospital.

16. The managers, nevertheless, shall have power, with the like approval of the said Board, instead of establishing and maintaining any such new or separate Hospital as aforesaid, to pay all or any part of the principal funds or income applicable to those purposes to the governors of the Newcastle Infirmary, or of any established medical charity in the said town of Newcastle, who shall be enabled and willing to establish and maintain a sea-side Hospital for the like purposes, under regulations which shall entitle poor freemen of the said town requiring the benefits thereof to like preferential claims of admission thereto, or to sufficient wards thereof, in order to be applied to or towards the establishment and maintenance of such Hospital.

17. The managers shall also have power, with such approval as aforesaid, to apply the surplus income, if any, belonging to the said Charity, and which shall remain

remain after satisfying, or shall not be required for any of the purposes aforesaid, towards the support of the Fever Hospital or any institution in the town of Newcastle-upon-Tyne for the medical relief of the poor thereof, providing only that poor freemen of the said town who may require the benefit of any such last-mentioned Hospital or institution shall, in respect of the Charity monies applied towards the support thereof, have a preferential claim to such benefit therein or in sufficient wards or parts thereof.

18. This scheme shall come into operation at the expiration of three calendar months next after the passing of any Act of Parliament establishing the same.

19. If any doubt or question shall arise amongst the managers as to the proper construction of any of the provisions of this scheme, or the management of the Charity, application may be made by them to the Board of Charity Commissioners for England and Wales, for their opinion and advice thereon, which opinion and advice, when given, shall be conclusive on all parties; and any provision in this scheme which may require to be explained, or more closely adapted to the circumstances for the time being of the Charity, may be explained and adapted accordingly, either by an order of the Court of Chancery upon the application of the managers, to be made with the certificate of the said Board, or by an order of the said Board, to be made upon the like application; and any provision in this scheme which shall be found inconvenient or objectionable may be modified accordingly by an order of the Court of Chancery, upon the application of the managers, to be made with such certificate as aforesaid; provided that no such alteration shall be made involving a deviation from the main objects and principles of this scheme.

St. Mary Magdalen (Newcastle) Charity.

A

BILL

INTITULED

An Act for confirming a Scheme of the Charity Commissioners for the Hospital of Saint Mary Magdalen in the Borough of Newcastle.

(*Brought from the Lords* 19 *July* 1858.)

Ordered, by The House of Commons, *to be Printed*, 21 *July* 1858.

[Bill 230.]

Under 1 *oz.*

A

BILL

FOR

The Sale of Grain, Meal, Flour, Butter, and Potatoes, and other Agricultural Produce, by the Pound Avoirdupois, the Score of Twenty Pounds, the Hundred Weight of One hundred Pounds, and the Ton of Two thousand Pounds.

WHEREAS it is expedient to regulate the Sale of Grain, Meal, Flour, Butter, and Potatoes, and other Agricultural Produce, in Great Britain and Ireland, with respect to the Weights by which they shall be sold: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say, Preamble.

1. That from and after the *First Day of January One thousand eight hundred and fifty-nine*, all Grain, Meal, Flour, Butter, and Potatoes shall be sold by the Pound Avoirdupois, by the Score of Twenty Pounds, by the Hundredweight of One hundred Pounds, and by the Ton of Two thousand Pounds; and in like Manner all Hay, Straw, Turnips, and Mangelwurzel shall be sold by the Pound Avoir- Grain, &c. to be sold by the Pound, Avoirdupois, &c.

Avoirdupois, by the Score of Twenty Pounds, by the Hundred-weight of One hundred Pounds, and by the Ton of Two thousand Pounds.

Sale of Grain, &c.

A

BILL

FOR

The Sale of Grain, Meal, Flour, Butter, and Potatoes, and other Agricultural Produce, by the Pound Avoirdupois, the Score of Twenty Pounds, the Hundredweight of One hundred Pounds, and the Ton of Two thousand Pounds.

(*Prepared and brought in by Mr. M'Cann and Mr. William Brown.*)

Ordered, by The House of Commons, *to be Printed*, 22 *June* 1858.

[Bill 153.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act to restrict and regulate the Sale of Poisons.

WHEREAS the existing Restrictions on the Sale of Arsenic have been found to be insufficient, and the unrestricted Sale of other Poisons facilitates the Commission of Crime, and occasions frequent fatal Accidents: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. Save where herein otherwise provided, this Act shall commence and take effect from and after the Thirty-first Day of December One thousand eight hundred and fifty-eight. Commencement of Act.

II. The Act of the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Thirteen, "to regulate the Sale of Arsenic," shall be repealed with respect to England. 14 & 15 Vict. c. 13. repealed as to England.

III. In the Construction of this Act the Word "Poison" shall mean any Drug or Substance mentioned or referred to in either Part of the Schedule (A.) to this Act, save where such Construction would be repugnant to the Context. Definition of Poison.

IV. No Person shall sell any Poison mentioned or referred to in the First Part of the said Schedule to any Person who is unknown to No Poison mentioned in Part I. of Schedule A.

to be sold to a Person unknown to the Seller, except in Presence of a Witness of full Age.

to the Person selling the Poison, unless the Sale be made in the Presence of a Witness of full Age who is known to the Person selling the Poison, and to whom the Purchaser is known, and who signs his Name, together with his Place of Abode, to such Entries as are required by this Act, before the Delivery of the Poison to the Purchaser; and no Person shall sell any such Poison to any Person other than a Person of full Age, unless there be produced and delivered to the Seller, before such Sale, a written Certificate, signed by a Householder, with his Name and Residence, stating that he knows the Person for whose Use the Poison is required, and that he believes it may be safely supplied to him; and all such Certificates shall be carefully preserved by the Seller in the Order in which they are received.

Entries to be made regarding the Sale of such Poisons.

V. Every Person who sells any such Poison shall forthwith, and before the Delivery of the same, enter or cause to be entered, in a fair and regular Manner, in a Book or Books to be kept for such Purpose, in the Form set forth in the Schedule (B.) to this Act or to the like Effect, a Statement of such Sale, and the following Particulars:

1. The Date of the Sale and Delivery of such Poison:
2. The Name, Surname, and Address of the Person to whom the Poison is delivered:
3. The Name and Quantity of the Poison sold:
4. The Purpose for which such Poison is stated to be required:

Into which Circumstances the Person selling such Poison is hereby required and authorized to inquire of the Purchaser, before the Delivery of the Poison; and such Entries shall in every Case be signed by the Person so making the same and by the Person to whom the Poison is delivered, and (where the Sale is required to be made in the Presence of a Witness) shall also be signed by the Witness, who shall add his Place of Abode.

Label required on Poison sold.

VI. No Poison shall be sold, either in a solid or liquid State, unless the Vessel, Box, Wrapper, Cover, or Bottle, as the Case may be, containing such Poison, be distinctly labelled with the Word "POISON" in conspicuous Capital Letters, and with the Name, Surname, and Address of the Person selling the Poison.

Provision for colouring Arsenic.

VII. No Person shall sell any Arsenic unless the same be before the Sale thereof mixed with Soot or Indigo in the Proportion of One Ounce of Soot or Half an Ounce of Indigo at the least to One Pound of the Arsenic, and so in proportion for any greater or less Quantity: Provided always, that where such Arsenic is stated by the Purchaser to be required for some Purpose for which such Admixture would, according to the Representation of the Purchaser, render it unfit, such

such Arsenic may be sold without such Admixture in a Quantity of not less than Ten Pounds at any One Time.

No Poison to be sold without Licence, except by Medical Practitioners or Pharmaceutical Chemists.

VIII. After the Thirtieth Day of June One thousand eight hundred and fifty-nine, no Person, other than a legally qualified Medical Practitioner or Pharmaceutical Chemist, shall sell any Poison without a Licence to vend Poisons granted under this Act.

Appointment of Examiners.

IX. For the granting of Licences, and the Examination of Persons desirous of obtaining Licences, under this Act, Three Examiners shall be appointed from Time to Time; and the College of Physicians of London, the Society of Apothecaries of London, and the Pharmaceutical Society of Great Britain shall severally appoint One of such Examiners, subject to the Approval of One of Her Majesty's Principal Secretaries of State; and every such Examiner shall hold Office for such Term as the Body by whom he is appointed shall think fit and direct: Provided always, that the Secretary of State may by Writing under his Hand revoke the Approval of the Appointment of any such Examiner for any Cause to be specified in the Instrument of Revocation which may appear to such Secretary of State to render improper the further Continuance in Office of such Examiner, and thereupon the Appointment shall be determined.

Applicants for Licences to be examined.

X. The Examiners shall sit in London or elsewhere in England, as they may from Time to Time think fit; and such Examiners, or any Two of them, shall from Time to Time examine Persons applying to them, for the Purpose of ascertaining their Proficiency in the Branches of Knowledge requisite to enable them safely to vend Poisons; and any Person who shall pass the Examination to the Satisfaction of the Examiners conducting the Examination, or the Majority of them, shall be entitled to a Licence to vend Poisons, which shall be signed by the Examiners by whom he may have been examined, or by any Two of them.

Persons now carrying on Business as Druggists to be entitled to Licences without Examination, such Licences not to continue in force beyond Five Years.

XI. Every Person, having carried on for One Year or upwards before the Commencement of this Act the Business of a Chemist and Druggist, or of preparing, dispensing, and vending Drugs and Medicines by Retail, shall, upon satisfying the Examiners or any Two of them of the Fact of his having for the Time aforesaid carried on such Business, be entitled, without any Examination, to such Licence to vend Poisons, but no such Licence granted without Examination shall be in force for more than Five Years after the passing of this Act.

Fees on Grant of Licences and

XII. There shall be paid to such Persons as the Examiners shall appoint to receive the same, upon the Grant of each Licence by such Examiners

on Examinations.

Examiners (save where such Licence is granted after Examination), a Fee of Ten Shillings, and for admitting any Person to be examined save where such Person has previously received a Licence which will cease to be in force after the Expiration of Five Years after the passing of this Act, the like Fee of Ten Shillings; and the Monies received in respect of such Fees shall be applied in the Payment of such Allowances to the Examiners in respect of their Attendances in the Grant of Licences and in Examinations, and of the Expenses incident to the Duties to be performed under this Act, as the Examiners, with the Sanction of the Secretary of State, shall from Time to Time direct.

Fees may be reduced by Order in Council.

XIII. Provided always, That it shall be lawful for Her Majesty, with the Advice of Her Privy Council, from Time to Time to reduce the Fees payable as aforesaid to such respective Amounts as to Her Majesty, with such Advice as aforesaid, may seem fit; and every Order in Council reducing the said Fees shall be published in the "London Gazette."

Gift of Poisons to be subject to the Provisions applicable to Sales.

XIV. If any Poison be given or delivered by any Retail Dealer in Drugs (whether gratuitously or in exchange for any other Article or Thing) to any other Person, such Gift or Delivery shall for the Purposes of this Act be deemed a Sale, and all the Provisions and Penalties of this Act applicable to a Sale of Poison shall apply to such Gift and Delivery, and for the Purposes of this Act the Person giving or delivering the Poison shall be deemed the Seller, and the Person to whom the same is given or delivered shall be deemed the Purchaser.

Prescriptions of Medical Men and Wholesale Dealings exempted.

XV. The Provisions herein-before contained shall not extend to the Sale of any Medicine required to be made up or compounded according to the Prescription of a legally qualified Medical Practitioner, or made up or compounded by a legally qualified Medical Practitioner or Pharmaceutical Chemist, or by a Veterinary Surgeon having a Licence or Diploma from the Royal College of Veterinary Surgeons, or from the Royal Highland and Agricultural Society of Scotland, or to the Sale of any Patent Medicine, or to the Sale of Poison by Wholesale to Retail Dealers upon Orders in Writing in the ordinary Course of Wholesale Dealing.

Poisons to be distinctly labelled and kept apart in the Shop or Dispensary.

XVI. And whereas it is expedient that as well Members of the Medical Profession and Pharmaceutical Chemists as others should be subject to Regulations in respect of the keeping of Poisons and the Delivery of poisonous Preparations intended for external Use:

Every Person who keeps for Sale by Retail any Poison, and every Apothecary, Surgeon Apothecary, or other Member of the Medical

Medical Profession, or Pharmaceutical Chemist, and every Officer of any Hospital, Infirmary, or Dispensary, who has under his Custody any Poison, shall keep all such Poisons together, and separated from all other Drugs and Medicines, and distinctly labelled with their Names: and all Jars and Bottles in which any such Poisons are kept by any such Person shall be distinguished in Colour from the Jars and Bottles in which any other Drugs or Medicines are kept by him:

Poisonous Medicines for external Use to be labelled.

All liquid Medicines intended for external Use, and consisting of or containing any Poison, shall be sold and delivered in Bottles labelled in conspicuous Capital Letters "POISON" or "FOR EXTERNAL USE."

Examiners empowered to enter the Shops of Druggists and Place where Medicines are sold by Retail.

XVII. The Examiners under this Act, or any Two of them, or any Person or Persons appointed by Writing under the Hands of such Examiners or Two of them for this Purpose, shall have full Power, from Time to Time, at reasonable Times in the Daytime, to enter and search any Shop or Place where any Drugs or Medicines, simple or compounded, are sold by Retail, to ascertain that the Provisions of this Act concerning the keeping of Poisons separate from other Drugs, and the labelling of the same, are duly observed.

Penalty for offending against the Act.

XVIII. If any Person sell any Poison, save as authorized by this Act;

Or deliver the same without having made and signed the Entries hereby required on such Sale, or without having obtained such Signatures to such Entries as are required by this Act, or without complying with all the Provisions of this Act in relation to the Sale of such Poison;

Or if any Person purchasing any Poison give false Information to the Person selling the same in relation to the Particulars which such last-mentioned Person is hereby authorized to inquire into of such Purchaser, or procure, by a false Certificate or other false Pretence, such Poison, or procure by false Pretences a Certificate for the Purchase of Poison;

Or if any Person sign his Name as aforesaid as a Witness to a Sale of Poison to a Person unknown to the Person so signing as a Witness;

Or if any Person who is subject to the Provisions herein-before contained in respect of the keeping of Poisons fail to comply with such Provisions in respect of Poisons kept by him or under his Custody;

Or if any Person sell or deliver any Liquid intended for external Use, and containing any Poison, otherwise than in a Bottle labelled as aforesaid;

Every Person so offending shall for every such Offence, upon a summary Conviction of the same before Two Justices of the Peace, be liable to a Penalty not exceeding Five Pounds for the First Offence, and to a Penalty not exceeding Twenty Pounds for the Second Offence;

And every Person so convicted of such Offence more than twice shall for the Third and for every subsequent Offence, upon a summary Conviction of the same before Two Justices of the Peace, be liable to a Penalty of not less than Twenty nor more than One hundred Pounds.

And if the Person selling or delivering any Poison, or any Liquid intended for external Use, and containing Poison, without complying with all the Provisions of this Act in relation to the Sale or Delivery thereof, be an Apprentice or Servant acting on behalf of his Master, then the Master, on whose Behalf the Sale or Delivery is made, as well as such Apprentice or Servant, shall be liable to the Penalty imposed by this Act in respect of the Offence; and all such Penalties shall be levied by the Distress and Sale of the Goods and Chattels of the Offender.

Extent of Act.

XIX. This Act shall extend only to England.

SCHE-

SCHEDULES to which this Act refers.

SCHEDULE (A.)

Part I.

Arsenic and its Compounds.
Corrosive Sublimate.
The poisonous vegetable Alkaloids and their Salts.
Prussic Acid.
Cyanides of Potassium.
Essential Oil of Bitter Almonds, unless deprived of its Prussic Acid.
Cantharides.
Aconite and its Preparations.
Oxalic Acid.
Nux Vomica.
Coculus Indicus.

Part II.

Laudanum.
Opium.
Chloroform.
Salts of Sorrel.
Tartar Emetic.

SCHEDULE (B.)

Date of Sale and Delivery.	Name and Surname of Purchaser.	Purchaser's Place of Abode and Occupation.	Name and Quantity of Poison sold.	Purpose for which required.	Name of Person giving Certificate.
Saturday, Sept. 26, 1859. 10 30 A.M.	*Henry Holmes,*	*27, Snows Fields, Bermondsey; Shoemaker.*	*Arsenic ½ lb. Coloured Blue with Indigo.*	*For destroying Rats and Mice.*	*James Paget, Incumbent of St. Olave's, Bermondsey.*

(*Signature of Purchaser.*)
Henry Holmes.

(*Signature of Witness.*)
John Sims,
26, Tooley Street,
Southwark.

(*Signature of Vendor.*)
Samuel Edwards.

Sale of Poisons, &c.

A

BILL

INTITULED

An Act to restrict and regulate the Sale of Poisons.

(*Brought from the Lords* 9 *July* 1858.)

Ordered, by The House of Commons, *to be Printed,* 12 *July* 1858.

[Bill 203.]

Under 1 *oz.*

Sale and Transfer of Land (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Preamble.
Construction of Terms, &c.; Sect. 1.
Title of Court; Place of Sitting; 2.
First Judges of the Court; 3.
Appointment of future Judges; 4.
Judges to hold Office during good Behaviour; 5.
Oath of Judges; 6.
Judges not to sit in House of Commons; 7.
Court to have a Seal; 8.
Officers; 9.
Officers; 10.
Officers to be transferred; 11.
Appointment of Officers; 12.
Salaries of Officers; 13.
Certain Officers to hold their Offices during good Behaviour; 14.
Qualification of Officers; 15.
Officers to act in Person; 16.
Privilege of Barristers and Solicitors; 17.
Salaries of Judges and Officers to be paid out of the Consolidated Fund; 18.
Retiring Pension of Judges; 19.
Retiring Pension to Chas. Jas. Hargreave, Esq.; 20.
Retiring Pension of Officers; Retiring Pension of unemployed Officers of Incumbered Estates Court; 21.
Commencement of New Court; 22.
Jurisdiction of Commissioners for Sale of Incumbered Estates to continue until Formation of new Court; 23.
Lord Chancellor to call for a Return of Business before the Commissioners; 24.
Judges to make annual Return; 25.
Salary of Henry Martley, Esq.; 26.
All Matters pending before the Incumbered Estates Court to be transferred to the new Court; 27.

Transfer of Stock and Cash to the Control of new Court; 28.
Deeds, Books, &c., to be handed over as Lord Chancellor shall direct; 29.
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Judges to frame General Orders; 31.
Special Notice to Tenants and Owners of contiguous Lands; 32.
General Orders to be laid before Parliament; 33.
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Court to be a Court of Record; Powers of Court; Power of the Court to state a Case at Law or direct an Issue; Orders of each single Judge to be deemed Orders of the Court; 38.
Court may rescind or vary its own Orders; 39.
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The Court may appoint Receivers of Rents and Profits of Lands; 44.
Court to exercise the Jurisdiction of Chancery for Sale of settled Estates under the Nineteenth and Twentieth Victoria, Chapter One hundred and twenty; 45.
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Owner may obtain a Declaration of indefeasible Title from Court; Effect of Declaration; Registry of Declaration; 50.
Power of Court to sell and Proceedings thereon; 51.
Court to ascertain Tenancies Right of Common, &c. &c.; Sale subject to Tenancies; Sale may be made subject to annual Charge or Apportionment thereof; Court may sell subject to an annual Charge; 52.
Sale to be had under Control of Court either by Public Auction or by Private Contract; Conveyance by Judge; 53.

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Purchase Money to be paid into Bank; 54.
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Incumbrancer becoming Purchaser, may deduct the Amount of his Incumbrance from the Purchase Money, with Leave of Court; 55.
Court may include Arrears of Rent in Sale of Land; 56.
Where Sale of undivided Share, the Court may include the other undivided Share at the Instance of its Owner; 57.
Court may order Conversion of Leasehold in Perpetuity into Fee Farm; 58.
Conveyance to Purchaser to pass Fee, subject to Tenancies, but discharged from all Estates and Incumbrances; Conveyance of a Lease, Rentcharge, Annuity, or partial Estate to pass Estate created by the Instrument purporting to grant same; 59.
Conveyance not to affect certain paramount Charges; Power to redeem Crown Rent, &c.; 60.
Court may order Delivery of Tenants Leases, &c.; 61.
Application of Purchase Money; 62.
Court may invest at Instance of Parties for their Benefit; 63.
Power to change or appoint Trustees; 64.
Court may vest Property in new Trustees; 65.
Court may provide for Redemption of certain Charges, and otherwise to facilitate the Distribution of the Purchase Money; 66.
No Payment not being in full to affect Right of Incumbrancer for Balance, and no Payment in respect of any Incumbrance to impair Remedy over; 67.
Power to Court to order Money to be paid into Court of Chancery; 68.
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Provisions for Persons under Disability; 71.
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Judge may fill up Vacancies in List of Conveyancing Counsel; 73.
In case of any Party objecting to Opinion of Conveyancing Counsel, Judge may authorize Counsel to appear to support Opinion; 74.
Court may obtain Assistance of Accountants, Merchants, &c.; 75.
Fees to Conveyancing Counsel, &c.; 76.
Proceedings not to abate by Death; 77.
Costs; 78.
Costs of Petitioner for a Sale; 79.

On

On Application for Sale of an undivided Share, or after Sale, Court may, on Application of Party interested, and giving Notices and hearing Parties, make Order for a Partition; 80.
On Application for Sale, or after Sale, Court, on Application of Party interested and with Consent, may make Order for Exchange; 81.
Partition may be made of Land where Shares are not subject to be sold under this Act; 82.
Exchanges may be made of Lands not subject to be sold under this Act; 83.
Division of intermixed Land not subject to be sold under this Act; 84.
Notices of Partitions, Exchanges, and Division to be given; 85.
Conveyances, Assignment, and Orders for Partition, Exchange, or Division and Allotment conclusive; 86.
Court not to be restrained by Injunction; 87.
Rights of Purchaser against Tenants; 88.
Duty payable on Proceedings; 89.
Court may agree with Bank for Interest or other Compensation for Deposits of Cash; 90.
Persons swearing falsely to be punished for Perjury; 91.
Act only to extend to Ireland; 92.
SCHEDULES.

(Ireland.)

A

B I L L

TO

Facilitate the Sale and Transfer of Land in Ireland.

WHEREAS an Act was passed in the Session of Parliament holden in the Twelfth and Thirteenth Years of the Reign of Her present Majesty, intituled "An Act further to facilitate the Sale and Transfer of Incumbered Estates in Ireland:" And whereas a certain other Act was passed in the Session of Parliament holden in the Fifteenth and Sixteenth Years of the Reign of Her Majesty, intituled "An Act to continue the Powers of applying for a Sale of Lands under the Act for facilitating the Sale and Transfer of Incumbered Estates in Ireland:" And whereas a certain other Act was passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of the Reign of Her Majesty, intituled "An Act for continuing and amending the Act for facilitating the Sale and Transfer of Incumbered Estates in Ireland:" And whereas a certain other Act was passed in the Session of Parliament holden in the Eighteenth and Nineteenth Years of the Reign of Her Majesty, intituled "An Act to extend the Period for applying for a Sale under the Acts for facilitating the Sale and Transfer of Incumbered Estates in Ireland:" And whereas a certain other Act was passed in the Session of Parliament holden in the Nineteenth and Twentieth Years of the Reign of Her Majesty, intituled "An Act

Preamble.

12 & 13 Vict. c. 77.

15 & 16 Vict. c. 77.

16 & 17 Vict. c. 64.

18 & 19 Vict. c. 73.

19 & 20 Vict. c. 67.

" Act to extend the Period for applying for a Sale under the Acts " for facilitating the Sale and Transfer of Incumbered Estates in " Ireland, and to amend the said Acts:" And whereas it is expedient to create a permanent Court for the Sale and Transfer of Land in Ireland, whether the same shall be incumbered or unincumbered, and to invest the said Court with other and more extensive Powers than those conferred by the said recited Acts: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Construction of Terms, &c.

I. In the Construction of this Act (except where the Context or other Provisions of this Act require a different Construction),

"Land."

The Word "Land" shall include and extend to Manors, Advowsons, Rectories, Messuages, Tithes, Lands, Tenements, Rents, Annuities charged on Lands and Hereditaments of any Tenure, or for any Estate, and whether such Land be held as Freehold or Chattel, or whether subject to any Fee-farm or other perpetual Rent, with or without the Condition of Re-entry for securing the same or otherwise, or whether corporeal or incorporeal, and whether a divided or undivided Share;

Estate."

And the Word "Estate" shall include and extend to an Estate in Equity or at Law, and to an Equity of Redemption, and to the Benefit or Contract for a Right of Renewal, and whether in Fee or for any lesser Estate, or held by Lease for any Term;

"Lease."

And the Word "Lease" shall include an Agreement for a Lease, and the Estate or Interest created or agreed to be created by such Lease or Agreement in the whole or in any Part of the Land therein comprised;

"Lease in Perpetuity."

And the Expression "Lease in Perpetuity" shall mean any Lease or Grant for One or more Life or Lives, with or without a Term of Years, or determinable upon the Expiration of any given Term of Years, or for Years determinable on One or more Life or Lives, or for Years absolute, with a Covenant or Agreement in any of such Cases, whether in the same or any other Instrument, for the perpetual Renewal of such Lease or Grant, whether such Lease shall be derived out of the Inheritance or by way of Under-lease out of any other Lease or Estate;

"Owner."

The Word "Owner," as applied to Land, shall include any Person entitled in possession for an Estate in Fee Simple, or for any lesser, partial, or derivative or other Estate, corporeal or incorporeal, Freehold or Chattel, at Law or in Equity;

"Person or Owner."

And the Words "Person or Owner" shall extend to a Body Politic or Corporate, as well as to an Individual;

And

And the Word "Judge" shall mean One of the Judges of the "Landed Estates Court, Ireland;" "Judge."

And the Expression "the Judge" shall mean the Judge of the said Court before whom the Matter shall be pending, of which the Section is conversant; "The Judge."

And the Expression "Commissioners of Her Majesty's Treasury" shall mean the Lords Commissioners of Her Majesty's Treasury for the Time being, or such Members of them as are competent to perform Acts for the said Commission at large, or the Lord High Treasurer for the Time being; "Commissioners of Her Majesty's Treasury."

And the Word "Incumbrance" shall mean every Charge upon Land which is deemed an Incumbrance in a Court of Equity, and which a Court of Equity would discharge by a Sale of the Land charged or by the Appointment of a Receiver over the same; "Incumbrance."

And the Word "Incumbrancer" shall mean a Person entitled to an Incumbrance absolutely, or a Person entitled to the absolute or any partial or lesser Interest in an Incumbrance, or in any Part thereof; "Incumbrancer."

And the Word "Court" shall mean the "Landed Estates Court, Ireland;" and where the Expression "the Court" shall be used in connexion with any Act to be done or Order to be made by the same, it shall mean the Judge of the said Court before whom the Matter referred to shall be pending; "Court."

And the Words "Lord Chancellor" shall mean as well the Lord High Chancellor of Ireland as the Lord Keeper or Lords Commissioners of the Great Seal for the Time being. "Lord Chancellor."

II. A Court is hereby constituted, to be called the "Landed Estates Court, Ireland," with Power to exercise such Jurisdiction and Authority as herein-after provided, and to hold its ordinary Sittings at such Place or Places in the City of Dublin as the Lord Lieutenant of Ireland in Council shall from Time to Time appoint. Title of Court. Place of Sitting.

III. There shall be *Two* Judges of the said Court, and Henry Martley, Esquire (being the existing Chief Commissioner appointed under the Provisions of the herein-before recited Act) and Mountifort Longfield, Esquire, LL.D. (being the Second of the said Commissioners under the said Acts) shall and are hereby constituted First Judges of the said Court. First Judges of the Court.

IV. It shall be lawful for Her Majesty and Her Successors from Time to Time, when and as often as any Vacancy shall occur in the Office of either of the said *Two* Judges of the said Court herein-before named, or of any of their Successors for the Time being, by Death, Appointment of future Judges.

Death, Resignation, or Removal from Office, by Letters Patent under the Great Seal of Ireland, to appoint a fit Person, being a practising Barrister of at least *Fifteen Years* standing, who shall have actually practised *Fifteen Years* in Her Majesty's Superior Courts in Dublin, and shall not, at the Time of his Appointment to such Office, have retired from such Practice, to supply such Vacancy: Provided always, that it shall not be necessary for either of the said Judges herein-before named to obtain Letters Patent for their said Appointment to such Office of Judge of the said Court, but each shall be deemed capable of exercising such Office, as if the same were held by Letters Patent under the Provisions of this Act.

Judges to hold Office during good Behaviour.

V. The said *Two* Judges herein-before named, and every other Judge hereafter to be appointed by Her Majesty and Her Successors under the Provisions of this Act, shall hold his Office during good Behaviour: Provided always, that it shall be lawful for Her Majesty to remove any such Judge from his Office upon an Address of both Houses of Parliament.

Oath of Judges. 20 & 21 Vict. c. 79. s. 9.

VI. Every such Judge as aforesaid shall, before executing any of the Duties of his Office, take the following Oath, which the Lord Chancellor of Ireland, or the Master of the Rolls for the Time being is hereby respectively authorized and required to administer:

'I *A. B.* do solemnly and sincerely promise and swear that I will duly and faithfully, and to the best of my Skill and Power, 'execute the Office of Judge of the "Landed Estates Court, '"Ireland." 'So help me GOD.'

20 & 21 Vict. c. 79. s. 10.

Every such Judge as aforesaid shall have Rank and Precedence with the Puisne Judges of Her Majesty's Superior Courts of Common Law and the Judge of the Court of Probate in Ireland, according to the Date of his Appointment.

Judges not to sit in House of Commons.

VII. No Judge appointed under this Act shall, during his Continuance in such Office, be capable of being elected or of sitting as a Member of the House of Commons.

Court to have a Seal.

VIII. The said "Landed Estates Court, Ireland," shall cause to be made a Seal for their said Court, and shall cause to be sealed therewith all Orders, Conveyances, and other Instruments made by or proceeding from the said Court in pursuance of this Act, and all such Orders, Conveyances, and other Instruments, or Copies thereof, purporting to be sealed with the Seal of the said Court, shall be received in Evidence without any further Proof thereof.

IX. There

IX. There shall be One Registrar, One Taxing Officer, One Accountant for said Court; One Examiner for each Judge, and so many Clerks and other Officers for the said Court (save the Office of Master) as the Lord Chancellor of Ireland, with the Sanction of the Commissioners of Her Majesty's Treasury, may from Time to Time think fit. Officers.

X. Henry Carey Esquire, the present Secretary to the Court for the Sale of Incumbered Estates, shall be the First Registrar; Richard Augustine Fitz Gerald shall be the First Taxing Officer, and Thomas Seeds shall be the First Accountant of the said Landed Estates Court, Ireland; and the several Examiners for the said Judges shall be appointed under the Hand of the said Judges respectively. Officers. 20 & 21 Vict. c. 79. s. 19.

XI. Such of the other Clerks and Officers now employed in the said Court for the Sale of Incumbered Estates shall be transferred to such Situations in the Court hereby created as the said Henry Martley and Mountifort Longfield shall, with the Approbation of the Lord Chancellor, select and appoint as best qualified for such Situations, or, in default of Appointment by them, as the Lord Chancellor himself shall select and appoint. Officers to be transferred. 20 & 21 Vict. c. 79. s. 20.

XII. The Registrar, Taxing Officer, and Accountant of the said Court hereby constituted, upon the Death, Resignation, or Removal of the Persons respectively appointed or to be appointed from Time to Time to the said Offices, or to any Situation which is of a general Nature in the said Court, and not attached to any particular Office, and every Officer who shall preside in any Office, shall be appointed by Warrant of the Lord Lieutenant, on the joint Recommendation of the Judges of the Court; or, in default of such joint Recommendation, by the Lord Lieutenant at his Discretion; and the Examiners of the said Judges, and other Officers immediately attached to their respective Courts or Chambers, shall from Time to Time be appointed by such Judges respectively for the Time being as such Office shall become vacant, and the several other inferior Officers or Clerks shall, save in the Case of such Transfer as aforesaid, be appointed by the said Judges jointly. Appointment of Officers.

XIII. There shall be paid to the Judges and the said Officers of the said Court mentioned in Schedule A. the several Salaries set opposite to their respective Titles in the same Schedule, and there shall be paid to the several other Clerks and Officers who shall be appointed under the Provisions of this Act such Salaries as the Commissioners of Her Majesty's Treasury shall approve upon the Recommendation Salaries of Officers.

of the Judges of the said Court, all which several Payments shall be payable in quarterly Payments.

Certain Officers to hold their Offices during good Behaviour.

XIV. The Registrar, Taxing Officer, Accountant, and Examiners shall hold their Offices during good Behaviour, subject to be removed by the joint Order of the Judges of the said Court, with the Sanction of the Lord Chancellor of Ireland, for some reasonable Cause to be in the said Order expressed, and all other Officers of the said Court shall be removable by the joint Order of the said Judges thereof, with the Sanction of the Lord Chancellor.

Qualification of Officers.

XV. No Person shall be appointed Examiner, Registrar, or Taxing Officer of the said Court who shall not have been a Barrister or Solicitor of at least *Ten Years* standing, unless he shall have filled some Office or Offices in the Court for the Sale of Incumbered Estates or the Court hereby constituted, or some Offices in both Courts, or some Office or Offices in the Court of Chancery for a Period of *Five Years*.

Officers to act in Person.

XVI. The Registrar, Taxing Officer, Accountant, and Examiners shall execute their respective Offices in Person and not by Deputy, unless where a Deputy for the Execution of any of such Offices shall be appointed for that Purpose by the Lord Chancellor in the Case of temporary Illness or other unavoidable Accident, and no Officer of the said Court shall, during the Term of his holding such Office, directly or indirectly practise as a Barrister or Attorney, or participate in the Fees of any other Person so practising.

Privilege of Barristers and Solicitors.

XVII. Barristers and Solicitors shall have and enjoy the same Privilege of practising before the said Court, be subject to the like Regulations by the said Court in relation thereto, as they have and enjoy and are subject to in Her Majesty's High Court of Chancery.

Salaries of Judges to be paid out of the Consolidated Fund.

XVIII. The Salaries payable to the Judges and Officers of the said Court under this Act shall be issued and payable out of and charged upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and shall be free from all Deductions, Abatements, and Taxes, except the Income Tax, and shall be paid quarterly on the Third Day of April, the Third Day of July, the Third Day of October, and the Third Day of January in every Year, by equal Portions, and the first of such Payments, or a proportionate Part thereof, to be computed from the Time of the Appointment of such Judge or Officer respectively, shall be made on such of the said Days of Payment as shall first happen after the Date of such Appointment; and upon the Resignation, Death, or Removal from Office of any such Judge

Judge or Officer respectively, such Judge or Officer respectively or their respective Executors or Administrators, shall be paid such proportionate Part of their respective Salaries as shall have accrued from the Times of the Commencement of such Salaries respectively, or from the last quarterly Day of Payment thereof to the Time of such Resignation, Death, or Removal from Office.

Retiring Pension of Judges.

XIX. Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, may grant unto any Person exercising the Office of Judge of the said Court in pursuance of this Act an Annuity not exceeding Two thousand Pounds, to commence immediately after the Period when the Person to whom such Annuity shall be granted shall resign the said Office of Judge, and to continue from thenceforth during the natural Life of the Person to whom the same shall be granted; and such Annuity shall be issued and payable out of and charged upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland; and such Annuity shall be paid quarterly free from all Taxes and Deductions whatsoever, except Income Tax, on the Third Day of April, the Third Day of July, the Third Day of October, and the Third Day of January in every Year, by equal Portions, and the first quarterly Payment, or a proportionate Part thereof to be computed from the Time of the Resignation of the said Officer, shall be made on such of the same Days as shall happen next after the Resignation of the said Officer, and the Executors and Administrators of the Person to whom the same Annuity shall be granted as aforesaid shall be paid such proportionate Part of the said Annuity as shall accrue from the Commencement of the last quarterly Payment thereof, as the Case may be, to the Day of his Death: Provided, that it shall be lawful for Her Majesty, in and by such Letters Patent, to limit the Duration of Payment of such Annuity, or any Part thereof, to such Periods of Time during the natural Life of such Person in which he shall not exercise any Office of Profit under Her Majesty, so that such Annuity together with the Salary and Profits of such other Office shall together not exceed in the whole the Sum of Two thousand Pounds: Provided, also, that no Annuity granted to any Person having executed the Office of Judge of the said Court under this Act shall be valid unless such Person shall have continued in the said Office, or in the said Office and the Office of Commissioners for the Sale of Incumbered Estates in Ireland, or Office of a Judge in One or more of Her Majesty's Superior Courts, for the Period of Fifteen Years, or shall be inflicted with some permanent Infirmity disabling him from the due Execution of his Office, which shall be distinctly recited in the said Grant.

Retiring Pension to Charles

XX. Upon the said Charles James Hargreave, Esquire, ceasing to hold his present Office of Commissioner for the Sale of Incumbered Estates

James Hargreave, Esq. 20 & 21 Vict. c. 60. s. 82.

Estates in Ireland, it shall and may be lawful for Her Majesty, Her Heirs and Successors, by any Letters Patent under the Great Seal of Ireland, to give and grant to him an Annuity or yearly Sum not exceeding Two thousand Pounds, to be paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland during his Life: Provided always, that in case the said Charles James Hargreave should hereafter be appointed to any Office under Her Majesty, the Amount of the Salary he shall receive in respect of his said Office shall be deducted from the Amount of retiring Pension which he is entitled to receive under this Act, or his retiring Pension shall be deducted from the Amount of his Salary, as the Case may be.

Retiring Pension of Officers.

XXI. Every Registrar, Taxing Officer, Accountant, or Examiner, who shall hold Office under the Provisions of this Act, shall be entitled to the like retiring Allowances and upon the same Conditions as by the "Court of Chancery (Ireland) Regulation Act, 1850," are provided in respect of the Offices of the said Court of Chancery; and all of the Provisions of the said Act relating to such retiring Allowances, and the Abatements to be made from the Salaries and Official Incomes in the said Act mentioned, shall extend to and include the Officers of the Court hereby created, and their respective Salaries, save that the said retiring Allowances shall be paid out of the Consolidated Fund of the United Kingdom: Provided, that in estimating the Length of Service, the Time during which any such Officer shall have filled any Office in the Court of the Commissioners for the Sale of Incumbered Estates in Ireland shall be taken into Account as if such Service had been under this Act; that Stephen Woulfe Flanagan and the several other Officers of the Court for Sale of Incumbered Estates in Ireland, whose Offices have been or shall be abolished, and such Officers as are not to be transferred to the said last-mentioned Court shall receive such Compensation by way of annual Payment out of the Consolidated Fund of Great Britain and Ireland as the Judges, with the Assent of the Lord Chancellor, shall recommend, and shall be approved of by the Commissioners of Her Majesty's Treasury.

Compensation to unemployed Officers of the Incumbered Estates Court.

Commencement of the new Court.

XXII. The Authority and Jurisdiction of the "Landed Estates Court (Ireland)" shall commence and take effect from the *First Day of October next.*

Jurisdiction of Commissioners for Sale of Incumbered Estates to

XXIII. Every Commissioner, Secretary, or other Officer appointed under the Provisions of the first-recited Act may hold his Office until the said *First Day of October*, and no longer; and all such Applications under the said recited Acts, or any of them, as are mentioned in Section

Section Eleven of the said thirdly-recited Act of the Sixteenth and Seventeenth Years of Her Majesty, and which are by the said lastly-recited Act of the Nineteenth and Twentieth Years of Her Majesty authorized to be made within Five Years from the Twenty-eighth Day of July, One thousand eight hundred and fifty-three, may be made before the said *First Day of October next;* and all Orders and Proceedings by the said Acts or any of them authorized, and which might be made, had, or taken under the same, may be made, had, and taken at any time before the said last-mentioned Day. continue until Formation of new Court.

XXIV. It shall and may be lawful for the Lord Chancellor to issue an Order directed to each of the Commissioners for the Sale of Incumbered Estates in Ireland requiring him to report to the Lord Chancellor the Number of Matters pending in his Office, distinguishing those in which Orders for a Sale or for an Independent Partition or Exchange have been made, those in which Rentals have been settled, those in which Sales have been had, those in which Deeds have been executed to a Purchaser, and those in which Final Schedules have been ruled, with the Date of the filing of the Petition in each Matter, and the Dates of such Acts of the Commissioners in the Progress of such Matters respectively as have been in this Section enumerated; and each Commissioner shall, within such Time, after having been served with such Order as shall be named therein, make a Report or Return in conformity to the Terms and Requisition of same. Lord Chancellor to call for a Return of Business before the Commissioners.

XXV. At the Termination of each Year after this Act shall come into operation, each Judge shall furnish to Her Majesty's Secretary of State for the Home Department a Return showing the Number and Titles of Matters which shall have been brought into his Chamber during the Year, distinguishing those which are founded upon original Applications from those referred by the Courts of Chancery and the Court of Bankruptcy and Insolvency, and distinguishing those in which Orders for a Sale or Independent Partition or Exchange or for specific Performance or Declarations of Title have been made, and those in which Applications or References have been dismissed or the Title registered; and also distinguishing those in which Rentals have been settled, those in which Sales have been had, those in which Deeds of Conveyance have been executed to a Purchaser, or on Partition or Exchange, and those in which final Schedules have been settled, together with the several Dates of such Applications or References, and the Dates of such Acts of the Judges respectively as are in this Section enumerated; and the said Return shall also state the Sum produced on each Sale. Judges to make annual Return.

XXVI. The said Henry Martley, present Chief Commissioner for the Sale of Incumbered Estates, shall, instead of the Salary assigned to Salary of Henry Martley, Esq.

the Judges of the Court in the Schedule hereto annexed, be paid the yearly Salary of Three thousand five hundred Pounds, so long as he shall execute the Office of a Judge of the said Court constituted by this Act.

All Matters pending before the Incumbered Estates Court to be transferred to the new Court.

XXVII. When and so soon as this Act shall come into operation, all the Matters theretofore pending before the Commissioners for the Sale of Incumbered Estates in Ireland, shall thereupon stand transferred to the "Landed Estates Court, Ireland," and be dealt with in that Court in respect of all Orders and Conveyances, and otherwise in the further Prosecution of the same, as if the said Matters had been commenced in the said last-mentioned Court; and all Acts and Orders of the said Commissioners, whether their Powers shall or shall not have expired, shall continue in force save as herein mentioned, and the Court shall, for the Purposes of such Matters, have all the Jurisdiction, Power, and Authority possessed by the said Commissioners, as well as those conferred upon the Court by this Act; and all the Rules of Procedure which shall be in force under this Act shall be applied in the future Prosecution thereof, so far as such Rules are capable of being so applied, and if such Rules shall not be found applicable thereto, then such Matters shall be prosecuted according to the Course of Procedure theretofore used before the said Commissioners: Provided nevertheless, that every Appeal which shall be then pending to the full Court of the said Commissioners, shall not be heard by them, but shall be prosecuted directly before the Court of Appeal in Chancery; provided that nothing herein contained shall prevent the said Commissioners from giving Judgment in any Case which shall have been heard before them, or shall prevent any of the Parties to such Matter from having an Appeal therefrom to the Court of Appeal in Chancery; and provided that every Proceeding to make a Conditional Order which had been made by the Court of the Commissioners for the Sale of Incumbered Estates in Ireland, or by any of them, shall be prosecuted before a Judge of the said Landed Estates Court as if such Order had been pronounced by him: Provided also, that nothing herein contained shall operate to prevent the Court from rescinding, vacating, or varying any Acts or Orders of the said Commissioners, as if same had been made or done by the Court itself.

Transfer of Stock and Cash to the Control of new Court.

XXVIII. When and so soon as this Act shall come into operation, the Cash and Stock now standing to the Credit of the Court of the Commissioners for the Sale of Incumbered Estates in Ireland, or under their Control, or of any Matters then pending before them, shall be transferred to or placed under the Control of "The Landed "Estates Court, Ireland," and may be generally transferred or changed

changed to such Names or Credit as the last-mentioned Court shall, by any General Order or Orders or by any Special Order or Orders from Time to Time direct; and in the meantime it shall be lawful for the several Judges of the Court from Time to Time to make such Orders in relation to any Portion or Portions of such Funds, and draw or make such Orders, or ratify such Drafts or Orders of the Commissioners for any Portion or Portions of such Funds as the said Commissioners or any of them could have drawn or ratified before the Time when this Act shall have come into operation, or as such Judges shall be authorized by any General Rule or Order of the Court; and the Accountant of the "Landed Estates Court, Ireland," shall and hereby is authorized and empowered to do any Act which the Accountant of the said Commissioners could have done before this Act shall have come into operation, or such Acts as he shall be authorized to do by any General Rule or Order of the Court.

Deeds, Books, &c. to be handed over as Lord Chancellor shall direct.

XXIX. When this Act shall come into operation the several Officers of the Court of the Commissioners for the Sale of Incumbered Estates in Ireland shall respectively hand over and deliver up all such Deeds, Documents, Books, and Papers as shall be then in their Custody as such Officers, and to such Person or Persons as the Judges of the Court shall by Order direct.

Judges to frame and promulgate Forms of Application, &c. &c. 12 & 13 Vict. c. 77. s. 9.

XXX. The said Judges shall frame, and cause to be printed and circulated or promulgated, as they shall see Occasion, Forms of Application and Directions indicating the Particulars of the Information to be furnished to the Court, on Application to them under this Act, with reference to Title, Incumbrances, and the Circumstances of the Land, and such other Information as, in the Judgment of the said Judges, may assist them in forming an Opinion on such Application, and also such other Forms and Directions as they may deem requisite or expedient for facilitating Proceedings under this Act.

Judges to frame General Orders. 12 & 13 Vict. c. 77. s. 10.

XXXI. The said Judges, on or before the *First Day of October next*, shall prepare a Code of General Rules, such as they may think best adapted for regulating the Course of Procedure under this Act, and generally for securing the due Execution of the Powers vested in the said Court, and giving Effect to the Provisions and Objects of this Act; but no Fees or Sums shall, under any such General Rule or otherwise, be payable to any Officer or Person appointed under this Act, upon or in respect of any Proceedings under this Act, save in respect (if any) of the Copy or Extract of and from any Order, Document, or Proceeding actually required and taken by any Party, such Sum, not exceeding *Three Half-Pence* for every Ninety Words, as shall be paid for the making of such Copy or Extract, and the said

said Court shall authorize to be charged to such Party for the same: Provided always that every such Code of General Rules shall be laid before the Lord Chancellor of Ireland, and the Lord Chancellor thereupon, with the Assistance of the Lord Justice of Appeal, shall consider the Expediency of such Rules and every of them; and it shall be lawful for the Lord Chancellor, with the Concurrence of the Lord Justice of Appeal, by Order signed by him, to confirm or disallow all or any of such Rules, or to alter or amend, and confirm with such Alterations or Amendment, any of such Rules, or to remit any of such Rules to the said Judges for further Consideration, or to frame any additional Rule or Rules; and every such General Rule or Rules (when the same shall have been so confirmed by Order of the Lord Chancellor,) shall be enrolled in the High Court of Chancery in Ireland, and when so enrolled shall be binding on the said Court in the Exercise of its Powers, and shall be of the same Force and Effect as if the same had been enacted by Authority of Parliament: Provided also, that any Rules so confirmed and enrolled as aforesaid may from Time to Time be added to, rescinded, amended, or altered, as Occasion may require, by other Rules made by the Judges for the Time being, and confirmed and enrolled in like Manner; and provided also, that it shall be lawful for either of the Judges of the Court singly to lay any Rule or Rules before the Lord Chancellor which such Judge may think expedient, whereupon the Lord Chancellor may proceed with respect to such Rule or Rules as if the same had been prepared and laid before him by both the Judges of the said Court.

Special Notice to Tenants and Owners of contiguous Lands.

XXXII. The Court or Judges thereof, in framing General Orders under this Act, shall have regard to the best Mode of apprising Tenants on the Estate, the Subject of any Matter or Reference pending before the Court, of the Nature and Tendency of the particular Matter, by causing Notices to be posted on and in the Vicinity of the Lands, and also by Advertisement or otherwise, thereby inviting them to establish their Rights, with a View to have such reserved, and shall also have regard to the best Mode of calling the Attention of Owners of Lands contiguous to those which may be the Subject of any Matter or Reference pending before the Court, to the Boundaries set out in the Maps annexed to the Rental, and shall also have regard to the best Mode of having brought before the Judge a Draft of the proposed Conveyance or Declaration, and, at the Peril of the Solicitor having the Carriage of the Matter, of having produced before the Judge such Materials as shall enable him to settle such Conveyance or Declaration in accordance with the Rights of the Tenants and other Parties concerned.

XXXIII. Such

XXXIII. Such Code of General Rules as shall be made and confirmed as aforesaid shall be laid before both Houses of Parliament within *One Calendar Month* from the Enrolment thereof, if Parliament be then sitting, or if Parliament be not then sitting, within *One Calendar Month* from the Commencement of the next Session of Parliament. General Orders to be laid before Parliament.

XXXIV. It shall be lawful for the Court, by Summons under its Seal, to require the Attendance before One of the said Judges or any Officer of said Court, at a Time and Place to be mentioned in such Summons, of all such Persons as they shall think fit to examine in relation to any Question or Matter depending before the said Court, and to require all such Persons to produce before the said Court or Judge or Officer all Deeds, Books, Papers, Documents, and Writings relating to such Question or Matter, and to examine upon Oath, or, in case of Persons allowed to make Affirmations or Declarations in lieu of an Oath, upon Affirmation or Declaration (as the Case may require), all Persons who shall attend under such Summons, and all Persons who shall voluntarily attend as Witnesses; and it shall be lawful for either of the said Judges or any Officer appointed for that Purpose generally or in the particular Matter to administer such Oath, Affirmation, or Declaration, and every Person required by such Summons so to attend who without reasonable Cause, to be allowed by the said Court, shall fail to appear according to the Tenor of such Summons, or shall refuse to be sworn or to make Affirmation or Declaration (as the Case may be), or shall not make Answer to all such Questions as shall be lawfully put to him on such Examination, shall refuse or fail to produce before the said Court, Judge, or Officer any such Deed, Book, Paper, Document, or Writing, being in or under his Custody, Possession, or Power, as shall be lawfully required to be produced by him before the said Court, Judge, or Officer, shall for such Default of Appearance, Refusal to be sworn or to make Affirmation or Declaration, or for not answering any such Question as aforesaid, or not producing such Deed, Book, Paper, Document, or Writing, incur and be liable to all such Penalties, Prosecutions, Actions, and Suits as a Person might incur or be liable to for failing to appear, or refusing to be sworn or to give Evidence in any Suit or Matter depending in the High Court of Chancery in Ireland; and the said Court, and each of the Judges thereof, shall have the like Powers, Jurisdiction, and Authority for enforcing the Attendance of Persons summoned as aforesaid, for punishing Person failing to appear or refusing to be sworn or to make Affirmation or Declaration, or to give Evidence, or guilty of Contempt, and generally for enforcing all Orders made by the said Court under any of the Powers or Authorities vested in it under this Act, and otherwise in relation to the Matters to be inquired into and done Power of Court to summon and examine Witnesses. 12 & 13 Vict. c. 77. s. 12.

done by them under this Act, as are by Law vested in the High Court of Chancery in Ireland for such Purposes in relation to any Suit or Matter depending in such Court.

Judges may receive Affidavit in Evidence. 12 & 13 Vict. c. 77. s. 13.

XXXV. Provided always, That the said Court or Judge thereof may, where they or he think fit, receive in Evidence Affidavits; and such Affidavits may be made before any Person empowered to take Affidavits which may be received in Evidence in the Court of Chancery in Ireland, or where they think fit the said Court may, by Order under their Seal, appoint and authorize any Person, either generally or in a particular Matter, to take Affidavits or examine any Witness or Witnesses who shall attend before such Person to be examined in Ireland, or elsewhere, in relation to any Application to or Matter pending before the said Court, and to administer Oaths, Affirmations, or Declarations for the Purposes of such Examination.

Examination by Commissioners.

XXXVI. It shall be lawful for the Court to have Witnesses examined and Evidence taken in any Matter pending before it, and whether by Commission or otherwise, before such Person or Persons or such Tribunal as under the several Statutes now in force and hereafter to be enacted, the Court of Chancery, or Her Majesty's Superior Courts of Common Law in Ireland, may have Evidence taken abroad.

Orders of the Court may be enforced in England. 12 & 13 Vict. c. 77. s. 14.

XXXVII. Every Order made by the said Court constituted under this Act, a Copy whereof shall be certified under their Seal to the High Court of Chancery in England, may be enrolled in like Manner and enforced by the like Process as an Order for Payment or for accounting for Money made by the High Court of Chancery in Ireland, a Copy whereof is exemplified and certified to the said Court of Chancery in England, under the Great Seal of Ireland, may be enrolled and enforced under an Act passed in the Forty-first Year of King George the Third, intituled "An Act for the more speedy and effectual Recovery of Debts due to His Majesty, His Heirs and Successors, in Right of the Crown of the United Kingdom of Great Britain and Ireland, and for the better Administration of Justice within the same."

Court to be a Court of Record. 12 & 13 Vict. c. 77. s. 15.

Powers of Court.

XXXVIII. The said "Landed Estates Court, Ireland," shall be a Court of Record, and shall have all the Powers, Authority, and Jurisdiction of a Court of Equity in Ireland, for the Investigation of Title, and for ascertaining and allowing Incumbrances and Charges, and the Amounts due thereon, and settling the Priority of such Charges and Incumbrances respectively, and the Rights of Owners and others, and generally for ascertaining, declaring, and allowing the Rights of all Persons in any Land in respect of which Application may be

be made under this Act, or in the Money to arise from Sales under this Act, upon such Applications, and shall have the like Authority and Jurisdiction for enforcing, rescinding, or varying any Contract for Sale made under this Act, and in other Matters incident to or consequent on a Sale under this Act as are vested in a Court of Equity in relation to a Sale under the Direction of such Court; but the Procedure of the Court in reference to the same shall be according to such General Rules as aforesaid, or when the General Rules shall be inapplicable, at the Discretion of the Court, and the said Court shall have Power, in relation to any Matter or Question before them, to send Cases for the Opinion of a Court of Law, and to direct Issues of Fact to be tried by a Jury; and subject to any General Rules as aforesaid, the Acts and Orders of each Judge acting separately shall for all the Purposes of this Act be deemed and taken in relation to all such Inquiries and Matters as the Acts and Orders of the said Court, and so described in the said Orders and in all legal Proceedings.

Power of the Court to state a Case at Law or direct an Issue.

XXXIX. It shall be lawful for the Court to review and rescind or vary any Order which shall have been previously made by it or by the Commissioners for the Sale of Incumbered Estates, or any of them, but save as aforesaid, and as herein-after provided, every Order of the Court shall be final.

Court may rescind or vary its own Orders. 12 & 13 Vict. c. 77. s. 51.

XL. Upon each Petition being presented to the said Court, the Subject Matter of the same shall be referred to and become attached before One of the said Judges, according to a Routine to be settled by the Orders of the said Court, and all Proceedings in reference to the same, save as herein-after provided, shall be taken before the Judge before whom such Matters shall have been attached, and the Decision of such Judge in the Course of the Proceedings in the said Petition Matter shall not be subject to any other Appeal than that herein-after provided, and every Order of such Judge shall be deemed and taken to be and shall be called the Order of the said Court: Provided always, that nothing herein-contained shall operate to prevent such Judge before pronouncing any Decision, if he shall see fit, from calling in the Aid of the other Judge of the said Court; provided also, that it may be lawful for any or either of the Judges of said Court to take up and perform in the whole or part the Duty of the other Judge of the said Court in relation to any Matter attached or pending before him, where such other Judge shall be ill or absent or his Office be vacant, or for other reasonable Cause.

Proceedings in each Matter to be taken before a single Judge.

XLI. Every Order or Decision of the Judge shall be subject to a direct Appeal to the Court of Appeal in Chancery in Ireland and no other, but such Appeal must be entered within *Thirty Days* from

Appeal from Judges to Court of Appeal in Chancery.

from the Date of the Decision or Order, or such further Time as the Court shall by special Leave allow, and be thereafter duly prosecuted, otherwise the Decision or Order shall be final; and every Appeal shall be subject to such Regulation in regard to Deposit of Costs as shall be directed by any General Order to be made in pursuance of this Act, and on Hearing of such Appeal the only Evidence to be relied on or admissible shall be such as was given before the Court, but the said Appeal Court, if it shall think fit, may receive such Evidence, or direct or make any such Inquiry thereon as it shall seem fit, or may direct the Court to rehear the Case, on such further Evidence as it may be in the Power of either Party to produce; and the Costs of such Appeal shall be in the Discretion of the Court of Appeal: Provided always, that it may be lawful for said Court of Appeal if it see fit, on special Application for that Purpose, to rehear any Appeal upon which it may have made an Order, and on such Rehearing to rescind, vary, or add to such Order as to said Court of Appeal may seem just.

Appeal to the House of Lords.

XLII. Any Decision of the Court of Appeal in Chancery from the "Landed Estates Court, Ireland," shall be subject to an Appeal to the House of Lords in like Manner as, and subject to the like Conditions and Restrictions as, apply to or govern, or hereafter from Time to Time shall apply to or govern, Appeals from the Court of Appeal in Chancery to the House of Lords.

Owner of Estates, whether incumbered or unincumbered, may apply to the Court for a Sale.

12 & 13 Vict. c. 77. s. 16.

Incumbrancer may also apply for a Sale.

12 & 13 Vict. c. 77. s. 17.

XLIII. In every Case where any Persons shall be seized or possessed at Law or in Equity of any Estate in Land in Ireland as Owner thereof, whether such Land be incumbered or unincumbered, or whether any Person shall be entitled to any Incumbrance upon an Estate in Land, it shall be lawful for such Owner or such Incumbrancer, as the Case may be, to apply to the said Court for the Sale of such Estate under the Provisions of this Act: Provided always, that where such Petition is for the Purpose of discharging Incumbrances thereon, the Court may limit the Sale to such Part of the encumbered Land as in the Judgment of the Judge may deem necessary for the Discharge of the Incumbrances thereon, unless the Owner shall desire to sell the whole.

The Court may appoint Receivers of Rents and Profits of Lands.

XLIV. The Court hereby constituted shall exercise such Jurisdiction to appoint Receivers over the Rents and Profits of Lands, the subject of Applications for Sale or Transfer by its Authority, as is now exercised by the Court of Chancery in the Appointment of Receivers over Lands; and the Court hereby constituted shall have the like Authority over such Receivers, and the Tenants of the Lands under their Management, and over the Funds produced by such Rents and Profits,

Profits, and in requiring Security from such Receivers, and in enforcing Payment of the Amount which shall be due on Foot of such Securities, and in the Removal of Receivers, as is now exercised by the said Court of Chancery; but such Proceedings in reference to Receivers shall be in accordance with such General Orders of the Court as shall be made in relation thereto: Provided always, that the Court shall not appoint a Receiver in any Case in which an Order for Appointment of a Receiver made by the Court of Chancery shall be in force; provided further, that it shall be lawful for the Court, if it see fit, to order an annual or other Allowance out of such Rents to the Owner of the Estate when they shall be more than sufficient to discharge all Outgoings and Annuities, and keep down the Interest on Incumbrances charged upon the Lands producing such Rents, and when there is reasonable Ground for concluding that the Produce of the said Lands when sold should be adequate to discharge all Charges and Incumbrances thereon, together with the Costs of the Matter.

Court to exercise the Jurisdiction of Chancery for Sale of settled Estates under the 19 & 20 Vict. c. 120.

XLV. It shall and may be lawful for any Person who would be authorized under the Act of the Nineteenth and Twentieth Years of Her Majesty, Chapter One hundred and twenty, entitled "An Act "to facilitate Leases and Sales of settled Estates," to make an Application to the Court of Chancery for the Sale of a settled Estate in Land, instead of making such Application to the said Court of Chancery to apply to the Court created by this Act for the Purpose of having the Sale of such settled Estate in the said Lands under the said Court; and thereupon it shall be lawful for the Court to exercise all the Powers conferred upon the Court of Chancery in relation to Sales of such Nature under the Provisions of the said last-mentioned Act, but under the like Conditions and subject to like Terms and Restrictions as therein contained; save that the Judge shall himself execute the Conveyance to the Purchaser under such Sale, and save that such Conveyance shall have the like Operation and Effect, and confer such indefeasible Title to the Purchaser as if such Sale had been made and such Conveyance had been executed upon an Application under the last Section of this Act: Provided always, that the Court shall make such Investigation of the Title and Circumstances of the said Lands as the Court shall see expedient, and as in other Cases preliminary to Sales under this Act; provided also, that every Decision and Order in the Course of such Proceeding shall be subject to appeal to the Court of Appeal in Chancery.

Vendor or Vendee may apply for an Investigation of Title, and a Con-

XLVI. It shall and may be lawful for any Vendor or Vendee, under any Contract for a Sale of an Estate in Land in Ireland, to present a Petition to the said Court for the Purpose of procuring for the said Purchaser an indefeasible Title to the Land so previously sold, and a

veyance with indefeasible Title.

statutable Conveyance thereof under the said Court to him, and (if necessary) the Court shall make an Order for a specific Performance of such Contract, and thereupon all Investigations of Title and other Procedings in relation to such Petition shall be similar to those which are and shall be prescribed for Owners applying for the Sale of incumbered or unincumbered Property by the Court, as aforesaid, save that no Sale thereof shall be made by the said Court (unless the Petitioner, being the Vendor, shall so desire, with the Consent of the Purchaser), but the Sale or Contract, so theretofore made by the Vendor shall be ratified by the said Court, if it shall so think fit, and a Conveyance of such Property so sold shall be executed to the Purchaser by the Judge, and if necessary that such Contract shall be enforced, and such Conveyance shall have the same Validity and Effect as Conveyances of Incumbered Estates by the Judges under this Act; and it shall and may be lawful for such Court, if necessary, to pay and discharge out of the Purchase Money such Incumbrances as shall appear upon Investigation of Title to be charged upon the Property so sold, or contracted to be sold, and for that Purpose to order the Purchase Money into Court: Provided always, that it shall be lawful for the Court, at the joint Instance of the Vendor and Vendee, to substitute any other Person as Purchaser in the room and stead of the original Vendee, or to set up the Land for Sale under the Court, and in such Case the Conveyance shall be made by the Judge to such substituted or other Purchaser as if the original Application had been for a Sale of the Lands so contracted for.

Incidental Powers to enforce specific Performances.

XLVII. In the Matter of every such Application as in the last Section mentioned, the Court shall exercise and is hereby invested with all the Jurisdiction and Powers at present exercised by the Court of Chancery in respect to specific Performance of Contracts for the Sale of Land.

Where Decree for a Sale in Chancery, Sale to be made by the "Landed Estates Court, Ireland."

So where Sale ordered in Bankruptcy or Insolvency; and Title to be investigated.

XLVIII. Whenever any Order or Decree for a Sale of any Estate of Land in Ireland shall be pronounced by the High Court of Chancery in Ireland, or One of the Masters thereof, or any Judge or Officer of the said Court who, according to the Practice thereof, may make such Decree or Order, and where any Order for Sale of Lands shall be pronounced by a Judge of Her Majesty's Court of Bankruptcy and Insolvency in Ireland, such Sale shall be effected in and by the "Landed Estates Court in Ireland," and not by or under the said Court of Chancery, or the said Court of Bankruptcy and Insolvency, and the Title of such Land shall undergo such Investigation by the "Landed Estates Court in Ireland," preparatory to such Sale as shall be incident to Sales founded upon Petitions filed in the said last-mentioned Court, and the Conveyance of such Land to the Purchaser

Purchaser thereof shall be executed by a Judge of the said last-mentioned Court, and such Conveyance shall have the like Operation and Effect as Conveyances by Judges of the said Court to Purchasers upon Sales founded upon Petitions to the said Court under this Act: Provided always, that if upon the Representation of the Parties, or on Consideration of the small Value of the Property to be sold, the said Courts of Chancery or Bankruptcy and Insolvency respectively shall not deem it expedient to have such Investigation of Title or Sale or Conveyance by the "Landed Estates Court, Ireland," it shall be lawful for such Courts respectively to retain the Conduct of the said Sale, and otherwise act in relation thereto according to their own Course of Proceeding as if this Act had not been passed.

Application of Purchase Money when Sale in pursuance of Order in Chancery or Bankruptcy.

XLIX. Where Sales shall be effected in and by the "Landed Estates Court, Ireland," of any Lands which had been decreed or ordered to be sold by Decree or Order of the Court of Chancery or any of the Judges, Masters, or other Officers thereof as aforesaid, the Purchase Monies realized by such Sales shall, if the Court of Chancery or Judge or Master thereof shall so direct, be paid into or lodged in the Bank of Ireland to the Credit of the Accountant-General of the Court of Chancery, or otherwise disposed of in such Matter as shall be directed by any General or Special Order of the Court of Chancery, and shall be distributed by such Court according to the Course and Practice thereof as if this Act had not been passed, and as if the Fund so realized had been produced by a Sale directly had by or under the Court in which such Proceedings had been instituted; but when the said Court of Chancery shall not direct such Purchase Monies to be so lodged to the Credit of the Accountant-General of the said Court, the same shall be lodged to the Credit of the Court hereby constituted, and abide the Order thereof as if the Sales had been made on an original Application to the same; and in every Case where a Sale shall be so made by the "Landed Estates Court, Ireland," in pursuance of an Order of the Court of Bankruptcy and Insolvency, the Purchase Money upon the same shall abide the general or special Orders of the said last-mentioned Court, or which may be in force for the Regulation of the same, or otherwise, as if such Sale had been made directly under the said Court of Bankruptcy and Insolvency, and this Act had not been passed: Provided, nevertheless, that if on such Investigation of Title as in the last Section mentioned it shall appear to the Court that the Title is insufficient, and such as the Court ought not and would not sell if the Proceedings had been originally instituted in the "Landed Estates Court, Ireland," the Judge shall refuse to sell, and shall certify and report such Refusal and the Reason thereof to the Court by which such Decree or Order

shall have been made, together with such other Matters relating to the Defect in such Title as to the Judge shall seem expedient, but subject to such Appeal as is herein provided from the Orders of the Judge.

Owner may obtain a Declaration of indefeasible Title from Court.

L. Where any Owner of an Estate shall desire to have his Title thereto investigated by the Court, and a Judicial Declaration made thereon that he has a good and sufficient Title to the same, as alleged by him, with view to future Sale, Mortgage, or Registration thereof, it shall be lawful for him to make an Application to the Court for that Purpose, whereupon the said Court shall investigate such Title and give such Notices, by Advertisement or otherwise, as the Court may by general or special Order direct, and otherwise proceed in like Manner as if a Sale of such Land had been sought by the Owner; and if such Title shall appear satisfactory to the Court, it shall be lawful for the Judge to make and sign a written Declaration to that Effect, which shall be sealed with the Seal of the Court, and shall state, in a Schedule thereto, any Leases, Tenancies, and Incumbrances to which the Court shall find such Estate subject; and such Declaration so signed, sealed, and registered, as herein-after mentioned, shall have the Effect of making such Title so described in such Declaration (but subject to the Leases, Tenancies, and Incumbrances referred to in such Schedule) conclusive and indefeasible, in like Manner as same would have been vested in a Purchaser upon a Sale and Conveyance to him by the Court upon an Application to it for a Sale of the said Land; and it shall and may be lawful for such Owner to have such Declaration registered in the Office for the registry of Deeds in Ireland, which original Declaration the Registrar of such Office is hereby authorized and directed to file as he is now bound by Law to do in respect to Memorials of Deeds, and shall receive such Fees on the Registration of such Declaration as are now chargeable on the Registration of Deeds; and the Registrar shall from Time to Time give attested Copies of such Declarations to any Persons who shall require the same, on Payment of the Fees payable in respect of Copies of Memorials, and such Copies of Declarations shall have all the Effect in Evidence which has been given by any Statute now in force with respect to Memorials of Deeds registered in the said Office: Provided always, that no Registration of such a Declaration shall be permitted by the said Registrar of Deeds, unless the Declaration be lodged with him within *One Week* from the Date of the Execution by the Judge thereto, and unless an Affidavit of the Execution of the same by such Judge shall be made by a Solicitor presenting the same, which Affidavit the said Registrar is hereby empowered to administer, and any Person swearing falsely in any such Affidavit shall be subject to all the Penalties and Punishment affixed by Law to the Crime of Perjury; and the said Court shall keep

Effect of Declaration.

Registry of Declaration.

keep a Record of such Declaration in such Form and Manner as it shall see fit.

Power of Court to sell and Proceedings thereon. 12 & 13 Vict. c. 77. s. 21.

LI. If upon any Application for a Sale, Conveyance to a Vendee, or Declaration under this Act, or the Execution of any Decree or Order for a Sale directed by the Court of Chancery or Bankruptcy and Insolvency in Ireland respectively, or upon any Information or Evidence which may be received by and produced to the Judge in relation to the Matter of such Application or Reference it shall appear to the Judge that a Sale or Conveyance of the Land to which the Application, Decree, or Order may relate, or any Part thereof, or Conveyance to a Vendee or Declaration of Title may be found expedient, he shall direct Notices to be given to such Persons and in such Manner as he shall think fit, and shall, where any Parties interested in the Land apply to the Court for that Purpose, hear such Parties, by themselves, their Counsel or Solicitors, and shall so far only as may be necessary to enable him to determine whether, under all the Circumstances it is expedient that a Sale of all or any Part of the Land or Lease should be made, or Conveyance to a Vendee, or a Declaration of Title should be made, investigate the Title and the Incumbrances affecting the Land, and the State and Circumstances of the Land, and according as it shall seem so expedient to the Judge, it shall be lawful for him, at his Discretion, to make or refuse an Order for the Sale of all or any Part of such Land, or for a Conveyance to such Vendee, or a Declaration of Title accordingly, in manner aforesaid, or if he see fit he may dismiss any original Application in such Matter, or report or certify the Insufficiency of the Title to the Court of Chancery or Court of Bankruptcy and Insolvency in manner aforesaid.

Court to ascertain Tenancies, Right of Common, &c. 12 & 13 Vict. c. 77. s. 23.

LII. Where a Sale shall be made, or a Conveyance executed, or a Title declared under this Act, the Judge shall, when and so far as he may deem necessary for the Purpose of such Sale, Conveyance, or Declaration, ascertain the Tenancies of the occupying Tenants, and of any Lessees or Under-lessees whose Tenancies, Leases, or Under-leases and other such Rights as aforesaid, affect the Land or Part thereof to be sold, conveyed, or be the Subject of such Declaration, and the Rights of Persons claiming Right of Common, Rights of Way, or other Easements in such Lands, and shall also ascertain the Boundaries thereof, and may give such Notices and make or cause to be made such Inquiries as he may think necessary for ascertaining and securing the Rights of such Tenants, Lessees, Under-lessees, or Persons having such Easements as aforesaid, and for ascertaining the Boundaries of such Lands and all Occupying Tenants, and all Persons being or claiming to be Lessees or Under-lessees as aforesaid,

said, or claiming such Right of Common, Right of Way, or other Easement, shall at such Times and Places as the Judge may by his Notices require, produce all Leases, Under-leases, Agreements in Writing, or Deeds or Instruments under which such Tenant or Person occupy or claim to hold, or such Persons claim such Easements, if such Leases, Under-leases, or Agreements, or Counterparts thereof, or such Deeds or Instruments be in their Possession or Power, and where they occupy or claim to hold under Leases, Under-leases, or Agreements in Writing not in their Possession or Power, or under parol Agreements or Lettings, they shall deliver, at such Times and Places as aforesaid, Particulars of the Terms and Conditions upon and subject to which they occupy or claim to hold; and such Persons as may claim Right of Common, Right of Way, or other Easements, or who may dispute such alleged Boundaries, shall also in like Manner deliver Particulars of such Rights or such Grounds of Objection to such Boundaries, and shall sustain such Claims or Objections, and the Sale, Conveyance, or Declaration shall be made subject to the Tenancies, Leases, or Under-leases, Rights of Common, Rights of Way, or other Easements, and to such Boundaries ascertained as aforesaid, and subject to which the Owner, Incumbrancer, or other Person applying for a Sale, Conveyance, or Declaration under this Act shall be Owner or Incumbrancer, and such other of the Tenancies, Leases, and Under-leases, or Easements and Boundaries ascertained as above as shall appear to the said Judge to have been granted bonâ fide by the Owner or Person in possession, or in receipt of the Rents and Profits, and subject to which it shall appear to the said Judge the Sale, Conveyance, or Declaration should be made, save such (if any) of such respective Tenancies, Leases, and Under-leases as, with Consent as herein-after mentioned, shall be included in such Sale, and where the said Judge think fit, be made subject to any Leases, Under-leases, or Tenancies, according to any general Description, or subject to any Condition concerning any Leases, Under-leases, or Tenancies, subject to any Conditions concerning any Leases, Under-leases, or Tenancies or Easements, the Nature of which shall not have been ascertained, or shall be disputed; and the Decision of the said Judge in relation to such Claim of Tenements or Easement, or in relation to such Boundaries, shall be final and conclusive as to all Persons whatsoever, but subject to the Appeal hereby provided from the Orders of the Judges; and when the said Judge shall think fit, such Sale, Conveyance, or Declaration may be made subject to any annual Charge affecting the Land or Part thereof sold, or to any such apportioned Part of such annual Charge as the Judge may think fit should remain charged thereon; and where such Estate in Land or Part thereof is subject to any Incumbrance under the Terms of which the Incumbrancer cannot be required to accept

Sale may be made subject to annual Charge or Apportionment thereof.

accept Payment of the principal Money before the Expiration of a Term of Years unexpired, such Sale or Conveyance may, if the said Judge think fit, be made subject to such Incumbrance; the Court shall have Power, upon any Application for Sale, whether now pending before the Commissioners for Sale of Incumbered Estates, or to be hereafter made, to sell and convey any Land subject to any Right, Title, or Estate to or in Dower, Jointure, or Annuity.

Court may sell subject to annual Charge.

LIII. Where the said Judge shall make an Order for Sale, the Land or Part thereof to which such Order shall relate shall be sold, by or under the Control and Direction of the said Judge, by Public Sale or Private Contract, together or in Lots or Parcels, at such Times and Places and generally in such Manner as the said Judge thinks fit, and the Conveyance or Assignment of the Land or Part thereof shall be made by the said Judge under the Seal of the Court, and shall be signed by the said Judge, and the Execution by any other Party shall be unnecessary; and such Conveyance or Assignment shall express or refer to the Tenancies, Leases and Under-leases, Rights of Way, Rights of Common, or other Easements (if any), and Charges (if any), subject to which the Sale is made, and may be in the Form contained in Schedule B. to this Act, or to the like Effect, with such Limitation of Uses and other Additions or Variations as, with the Approval of the said Judge, the Purchaser may direct.

Sale to be had under Control of Court either by Public Auction or by Private Contract.

12 & 13 Vict. c. 77. s. 24.

Conveyance by Judge.

LIV. The Purchase Money in every Case shall be paid into the Bank of Ireland, or any other Bank which the Court, with the Assent of the Commissioners of Her Majesty's Treasury, may appoint, to an Account to be there opened in the Name of the "Landed Estates "Court, Ireland," and to the Credit in each Case of the Matter or the Estate sold, or otherwise as the Court by general Rule or special Order shall direct; and on the Notification by the Bank to the said Court of the Receipt of the Money, a Certificate of such Payment shall be endorsed on or written at the Foot of the Conveyance or Assignment by the Judge who shall execute the same; and on such Payment into the Bank the Purchaser shall be discharged from all Liability in respect of the Application of the Money so paid, and such Certificate of the Judge shall be Evidence of the Payment.

Purchase Money to be paid into Bank.

12 & 13 Vict. c. 77. s. 25.

LV. Provided always, That it shall be lawful for any Incumbrancer on, or Person otherwise interested in, any Land or Rentcharge, or Part thereof (other than the Incumbrancer or Owner upon whose Application the Sale has been ordered,) or the Person having Carriage of the Sale, to bid at any Public Sale, and to become the Purchaser at any Public Sale or by Private Contract, in like Manner as any Person not interested therein might bid and become the Purchaser;

Persons interested may bid at Sale except Petitioner, or Person having Carriage of Sale who may bid by Permission of the Court

12 & 13 Vict. c. 77. s. 26.

Incumbrancer becoming Purchaser may deduct the Amount of his Incumbrance from the Purchase Money with Leave of court.

Purchaser; and, by Leave of the said Judge, it shall be lawful for the Incumbrancer or Owner on whose Application the Sale has been ordered to bid and become the Purchaser; and where an Incumbrancer on any Land, or Part thereof, shall be the Purchaser of such Land, or Part thereof, the Judge may, if he think fit, authorize such Purchaser to retain out of the Purchase Money the Amount which might have been ordered to be paid thereout in respect of such Incumbrance in case the whole Purchase Money had been paid into the Bank of Ireland or other Bank approved of as aforesaid under this Act, or such Sum on account of such Amount as the Judge may think fit, and to pay the Residue only of the Purchase Money into the said Bank; and where, at the Time of authorizing such Retainer as aforesaid, the said Judge shall not finally have ascertained and determined the Priority and Rights of such Purchaser in respect of his Incumbrance, and the Amount which he would be entitled to be paid in respect thereof out of the Purchase Money, such Retainer shall be without Prejudice to the Power of the said Judge to require such Purchaser to pay into the said Bank the whole or any Part of the Amount so retained which ought to be paid by him, and the said Judge shall withhold his Certificate of Payment herein-before mentioned until he shall be satisfied that the full Purchase Money, less the Amount which such Purchaser would be entitled to be paid in respect of his Incumbrance, has been paid into the said Bank.

Court may include Arrears of Rent in Sale of Land. 16 & 17 Vict. c. 64. s. 9.

LVI. Where a Sale is made by the Court under the said Act or this Act of any Land or Lease, it shall be lawful for it, whenever it shall appear to such Court convenient so to do, to include in such Sale all or any Part of the Arrears of Rent, if any, which may at the Time of the Sale be owing from any Lessees or Tenants, subject to whose Leases or Tenancies the Sale is to be made, where such Arrears are subject to any Incumbrance in respect of which an Incumbrancer shall have obtained an Order for Sale, or where the Order for Sale has been obtained by the Owner, and in the Conveyance or Assignment of such Land or Lease to assign such Arrears to the Purchaser accordingly, and such Purchaser, his Heirs, Executors, Administrators, or Assigns, shall, after such Assignment of the said Arrears, have for the Recovery, and in respect of the Nonpayment thereof, the same Rights and Remedies which the Person or Persons who would have been entitled to such Arrears would have possessed if no such Assignment thereof or any Conveyance or Assignment of such Land or Lease had been made.

Where Sale of undivided Share, the Court may include the

LVII. Where there is or shall be an Application to the Court for the Sale of any undivided Share of any Land, it shall be lawful for the Court where it shall see fit so to do, upon the Application of the Owner

Owner of any other undivided Share or Shares of the same Land or Lease, (and although such other undivided Share be not subject to any Incumbrance,) or on the Application of any Incumbrancer on such other undivided Share or Shares, to include the same Share or Shares, upon such Terms as they shall see fit, with the Share so proposed to be sold as aforesaid, and in every such Case the Court shall apportion the Purchase Money among the Owners, according to their respective Shares so sold, and shall apportion the Expenses as they may see fit.

other undivided Share at the Instance of its Owner. 16 & 17 Vict. c. 64. s. 6.

LVIII. Where the Court has ordered or shall order the Sale of any Lease in perpetuity, it shall and may be lawful for the Court, if it shall think it expedient so to do, to cause the same to be converted into a Fee Farm under the Renewable Leasehold Conversion Act, and for that Purpose to cause Notice to be given to the Owners or other Person interested in the Reversion, or any Person on behalf of such Owner or other Persons, or any Person deemed Owner under the Provisions of the Leasehold Conversion Act; and the Court may thereupon proceed to convert such Lease in perpetuity into a Fee-farm Grant, according to the Principles prescribed in the Renewable Leasehold Conversion Act, but the Procedure in relation thereto shall be according to the General Rules and Practice of the said Court; and in case such Conversion shall be ordered the Court shall have Power to convey the Land included in such Lease to the Purchaser in Fee, subject to the Fee-farm Rent to be ascertained as aforesaid, and to such Exceptions, Reversions, Covenants, and Clauses as shall be in conformity with the original Lease, and the Provisions of the Renewable Leasehold Conversion Act, and thereupon the Owner of the immediate Reversion expectant on the said Lease in perpetuity for the Time being shall have the same Rights and Remedies against the Purchaser, his Heirs, Executors, Administrators, and Assigns, and against the Land, by Action, Distress, Entry, or otherwise, in respect of such Rent, and of any Exceptions, Reservations, Covenants, and Clauses contained in the said Deed, as belong by Law to the Owner of any Fee-farm Rent created under the said Acts.

Court may order Conversion of Leaseholds in perpetuity into Fee-farm. 16 & 17 Vict. c. 64. s. 9.

LIX. Every such Conveyance executed as aforesaid by the said Judge purporting to pass an Estate in Fee Simple shall be effectual to pass the Fee Simple and Inheritance of the Land, subject to such Tenancies, Leases, and Under-leases, as shall be expressed or referred to therein as aforesaid, but save as aforesaid and as herein-after provided, discharged from all former and other Estates, Rights, Titles, Charges, and Incumbrances whatsoever of Her Majesty, Her Heirs and Successors, and of all other Persons whomsoever; and every such Conveyance or Assignment executed by the said Judge upon the Sale of a Lease

Conveyance to Purchaser to pass Fee, subject to Tenancies, but discharged from all Estates and Incumbrances. 12 & 13 Vict. c. 77. s. 27.

Conveyance of a Lease. Rentcharge, Annuity, or partial Estate to pass Estate created by the Instrument purporting to grant same. 12 & 13 Vict. c. 77. s. 27.

Lease or Rentcharge, or an Annuity charged on Land, or any partial or lesser Estate than an Estate in Fee Simple, shall be effectual to pass the Estate created or agreed to be created by such Lease, and then remaining unexpired, or by the Instrument creating such lesser or partial Estate, Rentcharge, or Annuity, but subject as to such Lease to the Rent and Covenants annexed to the Reversion expectant on the Determination of such Lease, and as to such Lease or Instrument creating such Rentcharge, Annuity, or partial or lesser Estate, subject to such Tenancies, Leases, and Under-leases as shall be expressed or referred to in such Conveyance or Assignment, but, save as aforesaid and as herein-after provided, discharged from all Rights, Titles, Charges, and Incumbrances whatsoever affecting the Leasehold Estate or Interest, Rentcharge, Annuity, or partial or lesser Estate: Provided always, that where any Land or Lease, or Part thereof, shall be sold and conveyed or assigned, subject to any annnal Charge or apportioned Part thereof, such annual Charge or such apportioned Part thereof (as the Case may be) shall remain and be charged on and payable out of such Land or Lease, or Part thereof, as in the Conveyance or Assignment shall be expressed.

Conveyance not to affect certain paramount Charges. 12 & 13 Vict. c. 77. s. 28. 6 Vict. 10 Vict.

LX. Provided always, That any such Conveyance or Assignment as aforesaid shall not prejudice or affect any Rentcharge in lieu of Tithes, Crown Rent, or Quitrent charged upon or issuing out of any Land, or any Charge made by virtue of an Act passed in the Sixth Year of Her Majesty, intituled "An Act to promote the "Drainage of Lands and Improvement of Navigation and Water "Power in connexion with such Drainage in Ireland," and the Acts amending the same, or by virtue of an Act passed in the Tenth Year of Her Majesty, intituled "An Act to facilitate the Improvement of "Landed Property in Ireland," save where the said Court shall think fit to redeem the Crown Rents or Quitrents, or to pay off or redeem the Charges under the said Acts, or either of them, under the Power herein-after contained, and shall express in such Conveyance or Assignment that the Land conveyed or assigned thereby is so conveyed or assigned discharged of all Crown Rents or Quitrents or Charges under the said Acts, or either of them, as the Case may be, and in such Case such Land shall be so discharged accordingly.

Power to redeem Crown Rents, &c.

Court may order Delivery of Tenants Leases, &c. 12 & 13 Vict. c. 77. s. 29.

LXI. The Court shall have Power to order the Delivery to the Purchaser, or as he shall direct, of all Leases or Counterparts of Leases and Agreements, and other Evidence of the Tenancies, subject to which the Sale shall be made, affecting the Land or Lease, or Part thereof sold, and shall, on the Application of any Purchaser, issue an Order to the Sheriff to put such Purchaser in possession of all Lands not in the Occupation of Lessees, Under-lessees, or Tenants, subject

subject to whose Leases, Under-leases, or Tenancies the Sale shall have been made, and who shall have attorned to such Purchaser within a Time to be limited in such Order, and such Order shall be executed by the Sheriff in like Manner as a Writ for the Delivery of Possession.

Application of Purchase Money. 12 & 13 Vict. c. 77. s. 30. 16 & 17 Vict. c. 64.

LXII. The Court shall, out of the Purchase Money to be received on the Sale of any Land or Lease, or Part thereof, under this Act, where any Sale has been made in any Matter of a Petition filed in the said Court, allow and pay such Costs of and consequential on the Application for the Sale and the Expenses of and incidental to the Sale, according to the Provisions contained in the Twelfth Section of the Statute of the Sixteenth and Seventeenth of the Reign of Her Majesty, Chapter Sixty-four, and the Surplus of such Purchase Money, after Payment of such Costs and Expenses, shall, under the Order of the Court, be applied in or towards Payment or Satisfaction of the Incumbrances or Charges, if any, which affect such Land or Lease, or Part thereof, according to their Priorities, and shall, subject as aforesaid, be paid to the Owner where such Owner was absolutely entitled thereto, or, where not so entitled, be laid out in the Purchase of Land, which shall be limited and settled to the same Uses, upon the same Trusts, for the same Purposes, and in the same Manner as the Land or Lease, or Part thereof sold, stood settled or limited to, or such of them as shall be then subsisting or capable of taking effect; and until such Money can be so laid out, it may, under such Order as aforesaid, be transferred or paid over to the Trustees to be appointed or approved by the Court, for the Purpose of being so laid out as aforesaid, with such Power for the Investment thereof in Government Stocks, Funds, or Securities in the meantime, and such Directions for the Payment of the Income of such Investment, in the Manner in which the Rents of the Land to be purchased would be applicable, as the Court shall think fit.

Court may invest at Instance of Parties for their Benefit. 12 & 13 Vict. c. 77. s. 31.

LXIII. Where the Judge shall be of Opinion that from the Nature of the Case the Proceedings must be protracted, the Money so paid into the Bank as aforesaid may, by Order of the Court, be invested in their Names in the Purchase of any Stocks, Funds, or Annuities transferable at the Bank of Ireland, and until the same shall be sold by Order of the Court for the Purchases under this Act, the Dividend thereof shall from Time to Time be applied, under the Order of the Court, in like Manner as the Rents of the Land or Lease, or Part thereof, from the Sale whereof the Money invested in such Stocks, Funds, or Annuities has arisen, would have been applicable.

Power to change or appoint Trustees.

LXIV. Whenever in the Course of Proceedings in any Petition Matter pending before the Court it shall appear expedient to appoint, change,

12 & 13 Vict. c. 77. s. 32.

change, or remove Trustees, it shall and may be lawful for the Judge to make such Orders, and give such Directions in reference to such Appointment, Change, or Removal, and in reference to the vesting Property in new Trustees, as the Lord High Chancellor is empowered to make under the Authority vested in him for such Purposes by "The Trustee Act, 1850," and also by another Act passed in the Session of Parliament holden in the Fifteenth and Sixteenth Years of the Reign of Her Majesty, intituled "An Act to extend the "Provisions of the Trustee Act, 1850."

Trustee Act, 1850.

15 & 16 Vict.

Court may vest Property in new Trustees.

Trustee Act, 1850.

LXV. Whenever the Court shall appoint or direct the Appointment of Trustees for any of the Purposes of this Act, it shall be lawful for the Judge to make or to direct to be made such Provision as he shall think fit for the Appointment of new Trustees on any Event to be determined by the Court.

Court may provide for Redemption of certain Charges, and otherwise to facilitate the Distribution of the Purchase Money.

12 & 13 Vict. c. 77. s. 34.

LXVI. It shall be lawful for the Court to sell any Land or Part thereof discharged from any Crown Rent or Quitrent which they may be enabled and may with the Consent of the Owner think fit to purchase, or from any Charge made by virtue of the said Acts of the Sixth and Tenth Years of Her Majesty, or either of them, which they may, with such Consent, think fit to pay off or redeem; and in any such Case the Court shall, out of the Money arising from the Sale, and in preference to all other Payments thereout, pay the Consideration for the Purchase of such Crown Rent or Quitrent, or such Sum as may be necessary for paying off or redeeming such Charge; and it shall be lawful for the Court where they think fit, to pay to any Person entitled to any annual or other Charge, not being an Incumbrance according to the Definition of this Act, who may consent to accept the same, a gross Sum in discharge or by way of Redemption thereof or of a Part thereof, and where a Part only of any Land or Lease subject to any Incumbrance or Charge is sold, to charge the part not sold with such Incumbrance or Charge, or an apportioned Part thereof, in exoneration of the Money arising from the Sale, and to enable or authorize Persons to release the Money arising from the Part so sold from any Incumbrance or Charge, or to relinquish their Claim on such Money in respect thereof, without impairing or affecting such Incumbrance or Charge as to the remaining Part of the Land or Lease originally charged; and the Court where they think fit may invest or provide for the Investment of Money to meet any annual or periodical Charge, or any other Charge, Incumbrance, or Interest, where by reason of such Charge, Incumbrance, or Interest, being contingent or otherwise, it shall appear to the Court proper or expedient so to do, and otherwise may make such Orders and Directions for applying the Money arising from any Sale in such Manner as will secure the convenient Application

Application thereof for the Benefit and according to the Rights of the Parties interested in the Land or Part thereof from the Sale of which the same shall have arisen.

No Payment not being in full to affect Right of Incumbrancer for Balance, and no Payment in respect of any Incumbrance to impair Remedy over. 12 & 13 Vict. c. 77. s. 33.

LXVII. Provided always, That no Payment under this Act towards Discharge of what shall be due on any Incumbrance or Charge, not being Payment in full, shall prejudice or affect any Right or Remedy of the Incumbrancer or the Person entitled to the Charge in respect of the Balance, otherwise than against the Land or Lease, or Part thereof, sold under this Act; and no Payment under this Act for or in respect of any Incumbrance or Charge shall impair any Right or Equity of any Persons out of whose Estate such Payment shall be made to be reimbursed or indemnified by any Person or out of any other Land or Estate, except so far as the Court under any special Circumstances shall order.

Power to Court to order Money to be paid into Court of Chancery. 12 & 13 Vict. c. 77. s. 35.

LXVIII. Where any Money arising from a Sale under this Act is not immediately distributable, or the Parties entitled thereto cannot be ascertained, or where from any other Cause the Court think it expedient for the Protection of the Rights and Interests therein, the Court at its Discretion may order such Money, or any Stocks, Funds, or Securities in which the same may have been invested under this Act, to be transferred to the Account of the Accountant General of the High Court of Chancery, or (where the Case may require) of the High Court of Chancery in England, in the Matter of the Parties interested in the same, to be described, as the Court shall think fit and direct, in trust to attend the Orders of their respective Court, and the Court may by their Order declare the Trust affecting such Money, Stocks, Funds, or Securities, so far as they have ascertained the same, or state (for the Information of the respective Court) the Facts or Matters founded by them in relation to the Rights and Interests therein, and the High Court of Chancery, Lord Chancellor, and Master of the Rolls in England and Ireland respectively, may make such Orders and give such Directions in relation to any such Moneys, Stocks, Funds, or Securities as shall be so transferred to the Account of the Accountant General of such respective Court, as such Court or Judge respectively might make or give in relation to any Trusts, Moneys, Stocks, or Securities paid in, transferred, or deposited under the Act passed in the Eleventh Year of Her Majesty "for better securing Trust Funds, and for the Relief of Trustees," or the Act of the Eleventh and Twelth Year of the Reign of Her Majesty, for extending to Ireland the said Act of the Eleventh Year of Her Majesty respectively; and no Money transferred into the Name of the Accountant General of the Court of Chancery in Ireland, or paid out under this Provision under any Order of the 11 Vict.

Lord Chancellor or Master of the Rolls, shall be liable to Ushers Poundage.

Lands included in different Applications, and different Interests in the same Lands may be included in the same Sale. 12 & 13 Vict. c. 77. s. 36.

LXIX. Where there shall be separate Applications to the Court for Sales under this Act of any Land and of any Lease in the same Land, or there shall be such Applications for Sales of different undivided Shares of any Land or Lease, it shall be lawful for the Court, where they shall see fit so to do, to include, with the Consent of the Persons by whom such respective Application may be made or prosecuted, and of any other Persons whose Consent the Court may under the Circumstances think fit to require in the same Sale, upon such Terms as they think fit, such Land or Lease, or such Leases, or such several undivided Shares as aforesaid; and where there shall be separate Applications for Sales under this Act of any Land, and of any Lease in other Land, or if different Lands or Leases in different Lands, it shall be lawful for the Court where, from the Lands being intermixed, or from other Circumstances, it shall appear to them convenient so to do, to include with such Consent as aforesaid such Land or Lease, or Lands or Leases, in the same Sale, upon such Terms as they may think fit; and where any Land or Lease, or Part thereof, subject to any Incumbrance, is proposed or ordered to be sold under this Act, it shall be lawful for the Court, upon the Application of the Owner of any Lease or Under-lease, or Estate in Reversion, or other Estate or Interest whatsoever in the same Land, (and although such Lease, Under-lease, Estate in Reversion, or other Estate or Interest be not subject to any Incumbrance, or would not, if subject to any Incumbrance, be subject to be sold under an Order of the Court under the Provisions herein-before contained,) or upon the Application of any Incumbrancer or any such Lease, Under-lease, Estate, or Interest, to include the same upon such Terms as they may see fit in the Sale of the Land or Lease, or Part thereof, so proposed or ordered to be sold as aforesaid; and all the Provisions of this Act applicable to any Land or Lease subject to any Incumbrance, and ordered to be sold under this Act, and to any Incumbrance or Charge upon such Land or Lease, and the Purchase Money arising from the Sale thereof, and to the Conveyance or Assignment thereof, shall, so far as Circumstances admit, extend and be applicable to every such Lease, Under-lease, Estate in Reversion, or other Estate or Interest to be so included in the Sale; and in every such Case as aforesaid the Judge shall apportion the Purchase Money and Expenses as he shall see fit.

If Land sold be subject to a Lease, &c. comprising

LXX. If any Land to be sold under this Act shall be subject to a Lease or Under-lease for Years or Lives comprising other Land at an entire Rent, it shall be lawful for the Court to apportion the Rent

Rent between the Land to be sold and the Remainder of the Land subject to such Rent; and where it is intended to sell under this Act a Part only of any Lease in perpetuity or other Lease, it shall be lawful for the Court where it shall think fit, and (having regard to the Rights and Interests of the Owner of the Reversion) it shall appear to them just so to do, to apportion the Rent reserved by such Lease between the Land to be sold and the Remainder of the Land; and the Court shall direct Notices of any such intended Apportionment as aforesaid to be given to such Persons, and in such Manner as it shall think fit, and shall hear such Parties as shall apply to them in relation thereto; and after such Apportionment, and after the Sale shall be completed, the Owners of the Reversion in the respective Lands shall have the like Remedies for the Apportionment of Rents against the Lands out of which the same shall be payable, and the Owners and Occupiers thereof respectively, as were subsisting for the entire Rent before such Apportionment, and all the Covenants, Conditions, and Agreements of every Lease or Under-lease, except as to the Amount of Rent to be paid, shall, as regards the apportioned Parts, remain in force in the same Manner as they would have done in case no such Application had taken place: Provided always, that the Enactment in this Section shall be deemed to apply to any Rent reserved upon a Lease, where the Court shall have sold or shall sell the Reversion expectant upon such Lease at different Times or in different Lots.

other Land, or if Part of Lease in perpetuity, &c. be sold, Court may apportion the Rent.

12 & 13 Vict. c. 77. s. 37

LXXI. Where any Person who (if not under Disability) might have made any Application, given any Consent, done any Act, or been Party to any Proceedings under this Act, shall be a Minor, Idiot, Lunatic, or married Woman, the Guardian, Committee of the Estate, and Husband respectively of such Person may make such Applications, give such Consents, do such Acts, and be Party to such Proceedings as such Persons respectively, if free from Disability, might have made, given, done, or been Party to, and shall otherwise represent such Person for the Purposes of this Act; but a married Woman entitled for her separate Use (with or without Power of Anticipation) shall, for the Purposes of this Act, be deemed a Feme Sole: Provided always, that where there shall be no Guardian or Committee of the Estate of any such Person as aforesaid being infant, idiot, or lunatic, or where any Person, the Committee of whose Estate, if he were an Idiot or Lunatic, would be authorized to act for and represent such Person under this Act, shall be of unsound Mind, or incapable of managing his Affairs, but shall not have been found idiot or lunatic under an Inquisition, it shall be lawful for the Court to appoint a Guardian of such Person, for the Purpose of any Proceedings under this Act; and from Time to Time to change such Guardian,

Provisions for Persons under Disability.

12 & 13 Vict. c. 38. s. 38.

and where the Court sees fit, it may appoint a Person to act as the next Friend of a married Woman for the Purpose of any Proceeding under this Act, and from Time to Time remove or change such next Friend.

Judges to employ Conveyancing Counsel, &c. 15 & 16 Vict. c. 80. s. 40, 41.

LXXII. It shall be lawful for each Judge to nominate any Number of Conveyancing Counsel, not less than *Three*, (to be approved of by the Lord Chancellor,) for the Aid and Assistance of such Judge in the Investigation of Titles to Estates, and such Judge shall and may order and direct that every such Abstract of Title as he shall think fit shall be laid before One of such Counsel in rotation, and if such Counsel shall find that such Abstract is conformable in all respects to the Rules of the Court he shall report to the Judge his Opinion thereon, and on all such Points connected with the Title to the Lands herein mentioned, and the Rights of Parties to or in the same, as such Judge shall direct; but it shall be competent for any Party to object to any Opinion of any such Counsel when he shall deem it open to Objections, and thereupon the Judge shall dispose of the Point in dispute in such Form as he shall think fit.

Judge may fill up Vacancies in List of Conveyancing Counsel.

LXXIII. It shall be lawful for each Judge from Time to Time, with the like Approbation of the Lord Chancellor, to fill up Vacancies in the List of Conveyancing Counsel attached to his Court; but, save as herein-after provided, no Barrister shall, so long as he shall hold the Office of Conveyancing Counsel, practise in the Court of either of the said Judges.

In case of any Party objecting to Opinion of Conveyancing Counsel Judge may authorize Counsel to appear to support Opinion.

LXXIV. Provided always, That in case any Party shall object to the Opinion of any such Counsel, it shall be lawful for the Judge, if he shall so think fit, to direct that the Party so objecting, or such other Person as he shall think fit, shall instruct such Counsel to appear before such Judge for the Purpose of supporting his Opinion.

Court may obtain Assistance of Accountants, Merchants, &c. 15 & 16 Vict. c. 30. s. 42.

LXXV. It shall be lawful for the said Court or any Judges thereof, in such Way as they may think fit, to obtain the Assistance of Accountants, Merchants, Engineers, Actuaries, or other scientific Persons, the better to enable such Court or Judge to determine on any Matter at issue in any Case or Proceeding.

Fees to Conveyancing Counsel, &c. 15 & 16 Vict. c. 80. s. 43.

LXXVI. The Allowance in respect of Fees to such Conveyancing Counsel, Accountants, Merchants, Engineers, Actuaries, or other scientific Persons shall, unless the Court or a Judge shall have given any special Direction in regard of the same, be regulated by the Taxing Officer of the Court, subject to an Appeal to the Judge to whose Court this Matter shall be attached, whose Decision shall be final.

LXXVII. Pro-

Proceedings not to abate by Death. 12 & 13 Vict. c. 77. s. 39.

LXXVII. Proceedings under this Act shall not abate or be suspended by any Death or Transmission, or Change of Interest, but in any such Case of Death or Transmission, or Change of Interest, it shall be lawful for the Court, where they see fit, to require Notices to be given to Persons becoming interested, or to make any Order for discontinuing, suspending, or carrying on the Proceedings or otherwise in relation thereto, which to them may appear just.

Costs. 12 & 13 Vict. c. 77. s. 40.

LXXVIII. In every Proceeding under this Act the Court shall have full Power and Discretion as to the giving or withholding Costs and Expenses, and as to the Persons by whom and the Funds out of which the same shall in the first instance or ultimately be paid, repaid, and borne, and shall and may apportion the same amongst such Parties, and in respect of Interest, Rents, or Income, and Principal or Corpus, as they shall see fit.

Costs of Petion for a Sale. 16 & 17 Vict. c. 64. s. 12.

LXXIX. Provided always, That in the Case of any Petition for a Sale the Costs of the Petitioner in respect of such Petition and of any Proceedings thereunder shall not (unless the Judge shall otherwise direct), be payable out of the Proceeds otherwise than in the same Order of Priority in which the Incumbrance of the Petitioner shall be payable; and provided also, that where a Judge shall not order Costs to be paid by a Party unsuccessfully making or resisting an Application to the Court, such Judge shall state on the Face of the Order the Reason why such Costs have been withheld.

On Application for Sale of an undivided Share, or after Sale Court may on Application of Party interested, and giving Notices and hearing Parties make Order for a Partition. 12 & 13 Vict. c. 77. s. 43.

LXXX. Where an Application shall be made for a Sale under this Act of an undivided Share of any Land, or where any such undivided Share shall have been sold under this Act, and either before or after the Conveyance or Assignment thereof under this Act, the Court on the Application of any Party interested in such undivided Share, or of the Purchaser (as the Case may be) and after causing to be given such Notices to the Owner or Owners of the other undivided Share or Shares of the same Land or Lease as they may think fit, and hearing such Parties interested in the respective Shares as may apply to them, and making or causing to be made such Inquiries as may enable them to make a just Partition, may, if they think fit, make an Order under their Seal for the Partition of such Land or Lease, and in such Order, or in a Map or Plan annexed thereto, shall be shown the Part allotted in severalty in respect of each of the undivided Shares in such Land or Lease, and the Court shall have the like Authorities, Jurisdiction, and Power in relation to such Partition under the Direction of such Court; and the Part so allotted in severalty in respect of each such undivided Share by such Order for Partition as aforesaid shall, without any

Conveyance or other Assurance in relation thereto go and enure to and upon the same Uses and Trusts, and be subject to the same Conditions, Charges, and Incumbrances, as the undivided Share in respect of which the same is so allotted would have stood limited or been subject to in case such Order had not been made; and the like Order for a Sale of the Part allotted in respect of the undivided Share to which the Application for the Sale shall relate may be made (where the Order for Partition is made before the Sale), and the like Proceedings had in relation to such Sale, and the like Conveyance or Assignment may be made of the Part allotted in respect of the Share sold (where the Order for Partition is made after Sale, and before Conveyance or Assignment), and with the like Consequences in the several Cases aforesaid, as if the Application for a Sale or the Sale (as the Case may be) had been in respect of the Part so allotted as aforesaid; and where any Land or Lease, or Part thereof, to be sold under this Act, is subject to any Lease, Under-lease, or Tenancy under which the Lessees, Under-lessees, or Tenants hold jointly, or as Tenants in Common, it shall be lawful for the Court, on the Application of any such Lessee, Under-lessee, or Tenants, and after causing to be given such Notices as they may think fit, and hearing such Parties as may apply to them, and making such Inquiries as they may think necessary, to make an Order under their Seal for the Partition, as between such Lessees, Under-lessees, or Tenants of the Land included in their Lease, Under-lease, or Tenancy, and for the Apportionment of the Rent reserved or payable under such Lease, Under-lease, or Tenancy; and after such Order of Partition the Owner of the Reversion in the respective Parts of the Land shall have the like Remedies for the apportioned Rents against the respective Parts out of which the same shall be payable; and the Lessees, Under-lessees, or Tenants holding such respective Parts under such Lease, Under-lease, or Tenancy, and such Order of Partition as were subsisting for the entire Rent before such Partition and Apportionment, and all the Covenants, Conditions, and Agreements of every such Lease, Under-lease, or Tenancy, except as to the Amount of Rent to be paid, shall, as regards the respective Parts alloted on such Partition, and the apportioned Parts of the Rent, remain in force as against the respective Lessees, Under-lessees, or Tenants, to whom under such Partition such respective Parts shall be allotted.

On Application for Sale, or after Sale, Court, on Application of Party interested, and with Con-

LXXXI. Where an Application shall be made for a Sale under this Act, of any Land or Part thereof, or where the same shall have been sold under this Act, and either before or after the Conveyance or Assignment thereof under this Act, if applicable, be made to the Court by any Party interested in such Land or Lease, or by the Purchaser, (as the Case may be,) for the Exchange of all or any Part of such

such Land, or of all or any Part of the Land comprised in such Lease, for other Land which the Owner thereof may be willing to give in Exchange, the Court may make or cause to be made such Inquiries as they think fit, for ascertaining whether such Exchange would be beneficial to the Person interested in the respective Lands, and cause such Notices to be given to Parties interested in the respective Lands, as they may think fit; and if, after making such Inquiries, and hearing such Parties interested in the respective Lands as may apply to them, the Court shall be of opinion that such Exchange would be beneficial, and that the Terms thereof as proposed, or as modified by them, with the Consent of such Owner as aforesaid, are just and reasonable, the said Court may make an Order under their Seal for such Exchange accordingly, and in such Order for Exchange, or in a Map or Plan annexed thereto, shall be shown the Lands given, and taken in Exchange respectively under such Order; and the Land taken upon such Exchange under such Order shall, without any Conveyance or other Assurance in relation thereto, go and enure to and upon the same Uses and Trusts, and be subject to the same Conditions, Charges, and Incumbrances as the Land given on such Exchange would have stood limited or been subject to, in case such Order had not been made; and the like Order for a Sale may be made by the Court in respect of the Land taken in exchange for any Land, or any Land comprised in any Lease to which the Application for a Sale shall relate, (where the Order for Exchange is made before Sale,) and the like Proceedings had in relation to such Sale, and the like Conveyance or Assignment may be made in respect of the Land taken in exchange for the Land, or Part thereof sold, (where the Order for Exchange is made after Sale, and before Conveyance or Assignment) and with the like Consequences in the several Cases aforesaid, as if applicable for a Sale, or the Sale, (as the Case may be,) had been in respect of the Land taken in Exchange.

sent, may make Order for Exchange. 12 & 13 Vict. c. 77. s. 44.

LXXXII. It shall be lawful for the Court on the Application of the Owners of the several undivided Shares (not subject to be sold under this Act, or as to which no Proceedings for a Sale under this Act shall be pending,) of any Land for any Estate in Ireland who shall desire to effect a Partition of such Land, to make or cause to be made such Inquiries as the Court may think fit for ascertaining whether such Partition would be beneficial to the Persons interested in such respective Shares; and in case the Court shall be of opinion that the proposed Partition would be beneficial, and that the Terms thereof are just and reasonable, they shall make an Order under their Seal for such Partition accordingly; and in such Order, or in a Map or Plan annexed thereto, shall be shown the Part allotted in severalty in respect of each such Undivided Share, and the Part so allotted in

Partition may be made of Land where Shares are not subject to be sold under this Act, 12 & 13 Vict. s. 45.

severalty in respect of such undivided Share, by such Order of Partition shall without any Conveyance or other Assurance in relation thereto, go and enure to and upon the same Use, and be subject to the same Conditions, Charges, and Incumbrances, as the undivided Share in respect of which the same is so allotted would have stood limited or been subject to in case such Order had not been made.

Exchanges may be made of Lands not subject to be sold under this Act. 12 & 13 Vict. c. 77. s. 44.

LXXXIII. It shall be lawful for the Court upon the Application of the Owner of Lands for any Estate in Ireland not subject to be sold under this Act, or as to which no Proceedings for a Sale under this Act shall be pending, who shall desire to effect an Exchange of such Lands, to make or cause to be made such Inquiries as the Court may think fit for ascertaining whether such Exchange would be beneficial to the Persons interested in the respective Lands; and in case the Court shall be of opinion that the proposed Exchange would be beneficial, and that the Terms thereof are just and reasonable, they shall make an Order under their Seal for such Exchange accordingly; and in such Order for Exchange, or in a Map or Plan annexed thereto, shall be shown the Lands given and taken in exchange respectively under such Order, and the Land taken upon such Exchange under such Order shall, without any Conveyance or other Assurance in relation thereto, go and enure to and upon the same Uses and Trusts, and be subject to the same Conditions, Charges, and Incumbrances as the Land given upon such Exchange would have stood limited or been subject to in case such Order had not been made.

Division of intermixed Land not subject to be sold under this Act. 12 & 13 Vict, c. 77. s. 47.

LXXXIV. It shall be lawful for the Court, upon the Application of any Number of Persons who shall be separately Owners of Parcels of Land for any Estate in Ireland not subject to be sold under this Act, or as to which no Proceedings for a Sale under this Act, shall be pending, so intermixed or divided into Parcels of inconvenient Forms or Quantity that the same cannot be cultivated or occupied to the best Advantage, but forming together a Tract which may be divided into convenient Parcels, and who shall desire to have the whole of such Tract divided into convenient Parcels to be allotted in lieu of the old Parcels to make or cause to be made such Inquiries as the Court may think fit, for ascertaining whether such proposed Division and Allotment would be beneficial to the Persons interested in such Lands; and in case the Court shall be of opinion that the proposed Division and Allotment would be beneficial, they shall make an Order for the Division and Allotment thereof accordingly with a Map or Plan thereunto annexed, in which shall be specified as well the Parcels in which the several Persons on whose Application such Order shall have been made were respectively interested before such Division and Allotment, as the several Parcels allotted to them respectively by such Order, and the

Parcels

Parcels of Land taken under such Division and Allotment shall go and enure to and upon the same Uses and Trusts and be subject to the same Conditions, Charges, and Incumbrances as the several Lands which the Persons taking the same shall have relinquished or lost in such Division would have stood limited or been subject to in case such Order had not been made.

Notices of Partitions, Exchanges, and Division to be given. 12 & 13 Vict. c. 77. s. 48.

LXXXV. Provided always, That in the Case of Land in which no Proceedings for a Sale under this Act shall be pending, no such Order of Partition, or of Exchange, or of Division and Allotment, as aforesaid, shall be made by the Court until such Notices by Advertisement in public Newspaper or Newspapers as the Court shall direct shall have been given of such proposed Partition, Exchange, or Division and Allotment, and *Three* Calendar Months shall have elapsed from the Publication of the last of such Advertisements; and in case before the Expiration of such *Three* Calendar Months any Person entitled to any Estate in or to any Charge upon any Land included in such proposed Partition, Exchange, or Division and Allotment, shall give Notice in Writing to the Court of his Dissent from such proposed Partition, Exchange, or Division and Allotment (as the Case may be), the Court shall not make an Order for such Partition, Exchange, or Division and Allotment, unless such Dissent shall be withdrawn, or it shall be shown to the Court that the Estate or Charges of the Party so dissenting shall have ceased, or that such Estate or Charges is not an Estate or Charge in respect of which he would be entitled in Equity to prevent such Partition, Exchange, or Division and Allotment; but no such Order as aforesaid shall be in anywise liable to be impeached by reason of any Infirmity of Estate or Defect of Title of the Persons on whose Application the same shall have been made.

Conveyances, Assignments, and Orders for Partition, Exchange, or Division and Allotment conclusive, 12 & 13 Vict. c. 77. s. 49.

LXXXVI. Every Conveyance and Assignment respectively executed as required by this Act, and every Order for Partition or for Exchange, or for Division and Allotment, made by the Court under its Seal, shall for all Purposes be conclusive Evidence that every Application, Proceeding, Consent, and Act whatsoever which ought to have been made, given, and done previously to the Execution of such Conveyance or Assignment, or the making of such Order respectively, has been made, given, and done by the Persons authorized to make, give, and do the same; and no such Conveyance, Assignment, or Order shall be impeached by reason of any Informality therein.

Court not to be restrained by Injunction.

LXXXVII. The Court shall not be subject to be restrained in the Execution of its Powers under this Act, nor shall any Person be restrained

12 & 13 Vict. c. 77. s. 50.

restrained from making Application under this Act to the Court, or doing any other Act or giving any Consent under the Provisions of this Act, by Order or Injunction of a Court of Equity, or by Writ of Prohibition; nor shall the Court be required by Writ of Mandamus to do any Act or take any Proceedings under this Act; nor shall Proceedings before them be removed by Certiorari; and the Judge of the Court shall not, nor shall any Person acting under the Order or Authority of them or any of them, be liable to any Action, Suit, or Proceeding for or in respect of any Act or Matter bonâ fide done or omitted by them respectively in the Exercise or supposed Exercise of the Powers of this Act.

Rights of Purchaser against Tenants. 16 & 17 Vict. c. 64. s. 5.

LXXXVIII. Where any Conveyance or Assignment has been made before the passing of this Act by the Commissioners for the Sale of Incumbered Estates in Ireland, or shall hereafter be made by the Court, subject to any Lease, Under-lease, or Tenancy, such Conveyance or Assignment shall be deemed to afford conclusive Proof that the Estate or Interest purporting to be conveyed or assigned thereby is the Reversion expectant upon such Lease, Under-lease, or Tenancy; and it shall not be necessary in any Action arising out of or connected with such Lease, Under-lease, or Tenancy, or in any Pleadings in such Action, to allege or prove the Title of such Reversion, prior to the said Conveyance or Assignment; and the Person to whom such Conveyance or Assignment is made, his Heirs, Executors, Administrators, and Assigns, and every of them, shall and may have and enjoy the like Advantages against the Lessees, Under-lessees, and Tenants, their Heirs, Executors, Administrators, Assigns, and Under-tenants, and against all other Persons in possession or occupation of the Land comprised in such Conveyance or Assignment, by Distress or by Entry for Nonpayment of Rent, or for doing of Waster or other Forfeiture; and also shall and may have and enjoy like Advantages and Remedies by Action for not performing other Conditions, Covenants, and Agreements contained in such Lease or Under-lease, or in the parol Agreement for such Tenancy, against the said Lessees, Under-lessees, and Tenants, their Heirs, Executors, Administrators, and Assigns, as the Person granting such Lease or Under-lease, or as the Landlord entering into the Agreement for such Tenancy, or his Heirs, Executors, Administrators, or Assigns, ought to have had and enjoyed at any Time or Times, in like Manner and Form as if the Reversion in such Land expectant on such Lease, Under-lease, and Tenancy had remained or continued in such Person granting such Lease or Under-lease, or as Landlord entering into such Agreement.

Duty payable on Proceedings.

LXXXIX. A Duty shall be levied upon every Estate which shall be sold or conveyed under this Act, or of which a Partition, Exchange, or Division shall be made by the Court where no Sale is to be effected by the Court, or of which the Title shall be verified by Declaration under this Act as aforesaid, and such Duty shall be payable in the Proportion herein-after mentioned, according to the Value of such Estate, and such Value shall, when the Estate shall be sold or conveyed, be estimated by the bonâ fide Purchase-money, and where the Court shall make a Partition, Exchange, Division of Land, or shall verify the Title thereof by Declaration as aforesaid, the Value of such Estate shall be ascertained by such Means as shall be settled by a General Order of the Court; and such Duty shall be the First Charge upon the Purchase-money, and, where there shall be no Sales, Payment of such Duty shall be enforced by such Method as shall be determined by any General Order of the Court for that Purpose, and such Duty shall be paid into the Receipt of Her Majesty's Exchequer in such Manner as shall be determined by General Order of the Court, to be approved by the Commissioners of Her Majesty's Treasury; that the Rate of such Duty shall be Ten Shillings upon every Hundred Pounds of the gross Value of the Estate or Estates which shall form the Subject of each Application to the Court, or Reference from the Courts of Chancery or Bankruptcy and Insolvency respectively, where such Value shall be less than Ten thousand Pounds, and One Pound upon every Hundred Pounds of such gross Value, where such Value shall amount to Ten thousand Pounds or upwards.

Rate of Duty.

Court may agree with Bank for Interest or other Compensation for Deposits of Cash.

XC. It shall and may be lawful for the Court, if it shall see fit, to enter into any Agreement or Agreements from Time to Time with the Bank of Ireland (or any other Bank in which the Proceeds of Sales shall be lodged under the Provisions of this Act), for Payment by such Bank of an annual Sum by way of Compensation for the deposits of Cash with such Banks; and such annual Sum shall, by Order of the Court, from Time to Time be paid into the Receipt of Her Majesty's Exchequer, and be carried to and form Part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

Persons swearing falsely to be punished for Perjury.

XCI. Every Person who upon Examination upon Oath, Affirmation, or Declaration before the Court or any of the Judges thereof, or any Person appointed and authorized under this Act by the Court, or by any General or Special Order thereof, to administer such Oath, Affirmation, or Declaration, shall wilfully give false Evidence, and every Person who shall wilfully swear, affirm, or declare falsely in

any Affidavit authorized under this Act to be received in Evidence by the Court, shall be liable to the Pains and Penalties of Perjury.

Act only to extend to Ireland.

XCII. This Act shall, except as far as the special Provisions of the same otherwise require, extend only to Ireland.

SCHE-

SCHEDULES.

SCHEDULE A.

Each Judge - - - - - -	*£3,000.*
Each Examiner - - - - - -	
Registrar - - - - - - -	
Accountant - - - - - -	
Taxing Officer - - - - - -	

SCHEDULE B.

FORMS OF CONVEYANCE on Sales by the Court (*which may be used with such Variations as the Circumstances may appear to the to require.*)

I, *A.B.*, one of the Judges of the "Landed Estates Court, Ireland," under the Authority of an Act passed in the Year of the Reign of Queen Victoria, intituled [*here set forth the Title of this Act*] in consideration of the Sum of by *E.F.* of &c., paid into the Bank of Ireland, [*or other Bank, as the Case may be,*] to our Account to the Credit of , do grant unto the said *E. F.*, all [*here describe the Premises to be sold*], to hold the same unto the said *E. F.*, his Heirs and Assigns, [*or, in the Case of a Chattel Interest in a Lease,* his Executors, Administrators, and Assigns] for ever, [*or* for the unexpired Term created by a certain Lease, *describing the Lease, as the Case may be,*] subject to [*here specify where the Sale is made subject thereto, the Tenancies, Leases, Under-Leases, or Charge either by reference to a Schedule or otherwise*]; in Witness whereof, I, the said *A.B.*, have hereunto set my Hand and the Seal of the said Court, this day of in the Year of our Lord .

A. B.

(*Seal of the Court.*)

The Certificate of Payment to be endorsed on or written at the Foot of the Conveyance or Assignment may be in the following Form:—

I certify that the within [*or* above] mentioned Sum of was paid in the Bank of or to the Account and Credit within [*or* above] mentioned, on the Day of

A. B.

(*Seal of the Court.*)

Sale and Transfer of Land (Ireland).

A

BILL

To facilitate the Sale and Transfer of Land in Ireland.

(*Prepared and brought in by Mr. Attorney General for Ireland, Mr. Secretary Walpole, Lord Naas, and Mr. Solicitor General*)

Ordered, by The House of Commons, *to be Printed*, 4 *May* 1858.

[Bill 73.]

Under 6 *oz.*

Sale and Transfer of Land (Ireland) Bill.

[AS AMENDED IN COMMITTEE].

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First Judges of the Court; 3.

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Oath of Judges; 6.

Judges not to sit in House of Commons; 7.

Court to have a Seal; 8.

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On Application for Sale of an undivided Share, or after Sale, Court may, on Application of Party interested, and giving Notices and hearing Parties, make Order for a Partition; 78.

On

On Application for Sale, or after Sale, Court, on Application of Party interested, and with Consent, may make Order for Exchange; 79.

Partition may be made of Land where Shares are not subject to be sold under this Act; 80.

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Schedule.

(Ireland.)

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Facilitate the Sale and Transfer of Land in Ireland.

[Note.—*The Clauses marked* A. *to* E. *were added in Committee.*]

WHEREAS an Act was passed in the Session of Parliament holden in the Twelfth and Thirteenth Years of the Reign of Her present Majesty, intituled "An Act further to facilitate the Sale and Transfer of Incumbered Estates in Ireland:" And whereas a certain other Act was passed in the Session of Parliament holden in the Fifteenth and Sixteenth Years of the Reign of Her Majesty, intituled "An Act to continue the Powers of applying for a Sale of Lands under the Act for facilitating the Sale and Transfer of Incumbered Estates in Ireland:" And whereas a certain other Act was passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of the Reign of Her Majesty, intituled "An Act for continuing and amending the Act for facilitating the Sale and Transfer of Incumbered Estates in Ireland:" And whereas a certain other Act was passed in the Session of Parliament holden in the Eighteenth and Nineteenth Years of the Reign of Her Majesty, intituled "An Act to extend the Period for applying for a Sale under the Acts for facilitating the Sale and Transfer of Incumbered Estates in Ireland:" And whereas a certain other Act was passed in the Session of Parliament holden in the Nineteenth and Twentieth Years of the Reign of Her Majesty, intituled "An Act

Preamble.

12 & 13 Vict. c. 77.

15 & 16 Vict. c. 77.

16 & 17 Vict. c. 64.

18 & 19 Vict. c. 73.

19 & 20 Vict. c. 67.

" Act to extend the Period for applying for a Sale under the Acts " for facilitating the Sale and Transfer of Incumbered Estates in " Ireland, and to amend the said Acts:" And whereas it is expedient to create a permanent Court for the Sale and Transfer of Land in Ireland, whether the same shall be incumbered or unincumbered, and to invest the said Court with other and more extensive Powers than those conferred by the said recited Acts: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Construction of Terms, &c.

I. In the Construction of this Act (except where the Context or other Provisions of this Act require a different Construction),

"Land."

The Word "Land" shall include and extend to Manors, Advowsons, Rectories, Messuages, Tithes, Lands, Tenements, Rents, Annuities charged on Lands and Hereditaments of any Tenure, or any Estate therein, partial, derivative, or otherwise, and whether such Land be held as Freehold or Chattel, or held by Lease, or whether subject to any Fee-farm or other perpetual Rent, with or without the Condition of Re-entry for securing the same or otherwise, or whether corporeal or incorporeal, and whether a divided or undivided Share;

"Estate."

And the Word "Estate" shall include and extend to an Estate in Equity as well as at Law, and to an Equity of Redemption, and to the Benefit of any Covenant or Contract for or Right of Renewal, and whether this Land be held in Fee Simple or for any lesser Estate, or held by Lease;

"Lease."

And the Word "Lease" shall include an Agreement for a Lease, and the Estate or Interest created or agreed to be created by such Lease or Agreement in the whole or in any Part of the Land therein comprised;

"Lease in Perpetuity."

And the Expression "Lease in Perpetuity" shall mean any Lease or Grant for One or more Life or Lives, with or without a Term of Years, or determinable upon the Expiration of any given Term of Years, or for Years determinable on One or more Life or Lives, or for Years absolute, with a Covenant or Agreement in any of such Cases, whether in the same or any other Instrument, for the perpetual Renewal of such Lease or Grant, whether such Lease shall be derived out of the Inheritance or by way of Under-lease out of any other Lease or Estate;

"Owner."

The Word "Owner," as applied to Land, shall include any Person beneficially entitled in possession to an Estate in Fee Simple or Fee Tail, or quasi Fee Simple or quasi Fee Tail, or for any lesser, partial, or derivative or other Estate, corporeal or incorporeal,

real, Freehold or Chattel, at Law or in Equity, or any Person entitled to such Estate as a Trustee for Sale;

And the Words "Person or Owner" shall extend to a Body Politic or Corporate, as well as to an Individual; "Person or Owner."

And the Word "Judge" shall mean One of the Judges of the "Landed Estates Court, Ireland;" "Judge."

And the Expression "the Judge" shall mean the Judge of the said Court before whom the Matter shall be pending of which the Section is conversant; "The Judge."

And the Expression "Commissioners of Her Majesty's Treasury" shall mean the Lords Commissioners of Her Majesty's Treasury for the Time being, or such Members of them as are competent to perform Acts for the said Commission at large, or the Lord High Treasurer for the Time being; "Commissioners of Her Majesty's Treasury."

And the Word "Incumbrance" shall mean any legal or equitable Mortgage in Fee, or for any less Estate, and also any Money secured by a Trust, and also any Legacy, Portion, Lien, or other Charge, whereby a gross Sum of Money is secured to be paid on an Event, or at a Time certain, and also any annual or periodical Charge, which, by the Instrument creating the same or any other Instrument, is made purchaseable on Payment of a gross Sum of Money, and every other Charge upon Land which is deemed an Incumbrance in a Court of Equity, and which a Court of Equity would discharge by a Sale of the Land charged, or by the Appointment of a Receiver over the same; "Incumbrance."

And the Word "Incumbrancer" shall mean a Person entitled to an Incumbrance absolutely, or a Person entitled to the absolute or any partial or lesser Interest in an Incumbrance, or in any Part thereof; "Incumbrancer."

And the Word "Court" shall mean the "Landed Estates Court, Ireland;" and where the Expression "the Court" shall be used in connexion with any Act to be done or Order to be made by the same, it shall mean the Judge of the said Court before whom the Matter referred to shall be pending; "Court."

And the Words "Lord Chancellor" shall mean as well the Lord High Chancellor of Ireland as the Lord Keeper or Lords Commissioners of the Great Seal for the Time being. "Lord Chancellor."

II. A Court is hereby constituted, to be called the "Landed Estates Court, Ireland," with Power to exercise such Jurisdiction and Authority as herein-after provided, and to hold its ordinary Sittings at such Place or Places in the City of Dublin as the Lord Lieutenant of Ireland in Council shall from Time to Time appoint. Title of Court. Place of Sitting.

First Judges of the Court.

III. There shall be Two Judges of the said Court, and Henry Martley, Esquire, and Mountifort Longfield, Esquire, LL.D., shall and are hereby constituted First Judges of the said Court.

Appointment of future Judges.

IV. It shall be lawful for Her Majesty and Her Successors from Time to Time, when and as often as any Vacancy shall occur in the Office of either of the said Two Judges of the said Court herein-before named, or of any of their Successors for the Time being, by Death, Resignation, or Removal from Office, by Letters Patent under the Great Seal of Ireland, to appoint a fit Person, being a practising Barrister of at least Fifteen Years standing, who shall have actually practised Fifteen Years in Her Majesty's Superior Courts in Dublin, and shall not, at the Time of his Appointment to such Office, have retired from such Practice, to supply such Vacancy.

Judges to hold Office during good Behaviour.

V. Each of the said Judges herein-before named, and every other Judge hereafter to be appointed by Her Majesty and Her Successors, under the Provisions of this Act, shall hold his Office during good Behaviour: Provided always, that it shall be lawful for Her Majesty to remove any such Judge from his Office upon an Address of both Houses of Parliament.

Oath of Judges.
20 & 21 Vict. c. 79. s. 9.

VI. Every such Judge as aforesaid shall, before executing any of the Duties of his Office, take the following Oath, which the Lord Chancellor of Ireland, or the Master of the Rolls for the Time being, is hereby respectively authorized and required to administer:

'I *A. B.* do solemnly and sincerely promise and swear, That I will duly and faithfully, and to the best of my Skill and Power, execute the Office of Judge of the "Landed Estates Court, Ireland." So help me GOD.'

20 & 21 Vict. c. 79. s. 10.

Every such Judge as aforesaid shall have Rank and Precedence with the Puisne Judges of Her Majesty's Superior Courts of Common Law and the Judge of the Court of Probate in Ireland, according to the Date of his Appointment.

Judges not to sit in House of Commons.

VII. No Judge appointed under this Act shall, during his Continuance in such Office, be capable of being elected or of sitting as a Member of the House of Commons.

Court to have a Seal.

VIII. The said "Landed Estates Court, Ireland," shall cause to be made a Seal for their said Court, and shall cause to be sealed therewith all Orders, Conveyances, and other Instruments made by or proceeding from the said Court in pursuance of this Act, and all such

such Orders, Conveyances, and other Instruments, or Copies thereof, purporting to be sealed with the Seal of the said Court, shall be received in Evidence without any further Proof thereof.

Officers.

IX. There shall be One Registrar, One Taxing Officer, One Accountant for said Court; One Examiner for each Judge, and so many Clerks and other Officers for the said Court (save the Office of Master) as the Lord Chancellor of Ireland, with the Sanction of the Commissioners of Her Majesty's Treasury, may from Time to Time think fit.

Officers. 20 & 21 Vict. c. 79. s. 19.

X. Henry Carey, Esquire, the present Secretary to the Court for the Sale of Incumbered Estates, shall be the First Registrar; Richard Augustine Fitz Gerald shall be the First Taxing Officer, and Thomson Seed shall be the First Accountant of the said Landed Estates Court, Ireland; and the several Examiners for the said Judges shall be appointed under the Hand of the said Judges respectively.

Officers to be transferred. 20 & 21 Vict. c. 79. s. 20.

XI. Such of the other Clerks and Officers now employed in the said Court for the Sale of Incumbered Estates shall be transferred to such Situations in the Court hereby created as the said Henry Martley and Mountifort Longfield shall, with the Approbation of the Lord Chancellor, select and appoint as best qualified for such Situations, or, in default of Appointment by them, as the Lord Chancellor himself shall select and appoint.

Appointment of Officers.

XII. The Registrar, Taxing Officer, and Accountant of the said Court hereby constituted, upon the Death, Resignation, or Removal of the Persons respectively appointed or to be appointed from Time to Time to the said Offices, and the Persons to be appointed to any Situation which is of a general Nature in the said Court, and not attached to any particular Office, and every Officer who shall preside in any Office, shall be appointed by Warrant of the Lord Lieutenant, on the joint Recommendation of the Judges of the Court; or, in default of such joint Recommendation, by the Lord Lieutenant at his Discretion; and the Examiners of the said Judges, and other Officers immediately attached to their respective Courts or Chambers, shall from Time to Time be appointed by such Judges respectively for the Time being as such Office shall become vacant, and the several other inferior Officers or Clerks shall, save in the Case of such Transfer as aforesaid, be appointed by the said Judges jointly.

Salaries of Officers.

XIII. There shall be paid to each of the Judges of the said Court a Salary of and there shall be paid to the Registrar,

Taxing Officer, Accountant, and the several other Officers and Clerks who shall be appointed under the Provisions of this Act, such Salaries as the Commissioners of Her Majesty's Treasury shall approve, upon the Recommendation of the Judges of the said Court, with the Approval of the Lord Chancellor, all which several Salaries shall be payable quarterly.

Certain Officers to hold their Offices during good Behaviour.

XIV. The Registrar, Taxing Officer, Accountant, and Examiners shall hold their Offices during good Behaviour, subject to be removed by the joint Order of the Judges of the said Court, with the Sanction of the Lord Chancellor of Ireland, for some reasonable Cause to be in the said Order expressed, and all other Officers of the said Court shall be removable by the joint Order of the said Judges thereof, with the Sanction of the Lord Chancellor.

Qualification of Officers.

XV. No Person, save such as shall be transferred under the Provisions of this Act, shall be appointed Examiner, Registrar, or Taxing Officer of the said Court who shall not have been a Barrister or Solicitor of at least Six Years standing, unless he shall have filled some Office or Offices in the Court for the Sale of Incumbered Estates or the Court hereby constituted, or some Offices in both Courts, or some Office or Offices in the Court of Chancery for a Period of Five Years.

Officers to act in Person.

XVI. The Registrar, Taxing Officer, Accountant, and Examiners shall execute their respective Offices in Person, and not by Deputy, unless where a Deputy for the Execution of any of such Offices shall be appointed for that Purpose by the Lord Chancellor in the Case of temporary Illness or other unavoidable Accident; and no Officer of the said Court shall, during the Term of his holding such Office, directly or indirectly practise as a Barrister or Attorney, or participate in the Fees of any other Person so practising.

Privilege of Barristers and Solicitors.

XVII. Barristers and Solicitors shall respectively have and enjoy the like Privilege of practising before and be subject to the like Authority of the said Court as they have and enjoy and are subject to in Her Majesty's High Court of Chancery, or the Court for the Sale of Incumbered Estates in Ireland, but subject nevertheless to such Regulations as the Court may make from Time to Time in reference thereto.

Salaries of Judges and Officers.

XVIII. The Salaries payable to the Judges of the said Court under this Act shall be issued and payable out of and charged upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland

Ireland, and the Salaries payable to the other Officers of the said Court under this Act shall be payable out of such Funds as shall be provided by Parliament for such Purpose, and all such Salaries shall be paid by equal Portions, quarterly, and the first of such Payments, or a proportionate Part thereof to be computed from the Time of the Appointment of such Judge, shall be made on such of the said Days of Payment as shall first happen after the Date of such Appointment; and upon the Resignation, Death, or Removal from Office of any such Judge, such Judge, or his Executors or Administrators, shall be paid such proportionate Part of his Salary as shall have accrued from the Times of the Commencement of such Salary, or from the last Day of Payment thereof to the Time of such Resignation, Death, or Removal from Office.

Retiring Pension of Judges.

XIX. Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, may grant unto any Person exercising the Office of Judge of the said Court in pursuance of this Act an Annuity not exceeding Two thousand Pounds, to commence immediately after the Period when the Person to whom such Annuity shall be granted shall resign the said Office of Judge, and to continue from thenceforth during the natural Life of the Person to whom the same shall be granted; and such Annuity shall be issued and payable out of and charged upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland; and such Annuity shall be paid quarterly by equal Portions, and the first quarterly Payment, or a proportionate Part thereof to be computed from the Time of the Resignation of the said Officer, shall be made on such of the same Days as shall happen next after the Resignation of the said Officer, and the Executors and Administrators of the Person to whom the same Annuity shall be granted as aforesaid shall be paid such proportionate Part of the said Annuity as shall accrue from the Commencement of the last quarterly Payment thereof, as the Case may be, to the Day of his Death: Provided that it shall be lawful for Her Majesty, in and by such Letters Patent, to limit the Duration of Payment of such Annuity or any Part thereof to such Periods of Time during the natural Life of such Person in which he shall not exercise any Office of Profit under Her Majesty, so that such Annuity, together with the Salary and Profits of such other Office, shall together not exceed in the whole the Sum of Two thousand Pounds: Provided also, that no Annuity granted to any Person having executed the Office of Judge of the said Court under this Act shall be valid unless such Person shall have continued in the said Office, or in the said Office and the Office of Commissioners for the Sale of Incumbered Estates in Ireland, or in the Office of a Judge in One or more of Her Majesty's Superior Courts, for the Period of Fifteen Years, or shall be inflicted with some permanent Infirmity disabling

disabling him from the due Execution of his Office, which shall be distinctly recited in the said Grant.

Retiring Pension to Charles James Hargreave, Esq. 20 & 21 Vict. c. 60. s. 82.

XX. Upon the said Charles James Hargreave, Esquire, ceasing to hold his present Office of Commissioner for the Sale of Incumbered Estates in Ireland, it shall and may be lawful for Her Majesty, Her Heirs and Succeseors, by any Letters Patent under the Great Seal of Ireland, to give and grant to him an Annuity or yearly Sum not exceeding Two thousand Pounds, to be paid out of such Monies as may be provided by Parliament for that Purpose, during his Life: Provided always, that in case the said Charles James Hargreave shall hereafter be appointed to any Office under Her Majesty, the Amount of the Salary he shall receive in respect of his said Office shall be deducted from the Amount of retiring Pension which he is entitled to receive under this Act, or his retiring Pension shall be deducted from the Amount of his Salary, as the Case may be; and provided also, that in computing the Time on the Expiration of which the said James Hargreave, Esquire, shall be at liberty to retire from any Office to which he may hereafter be appointed, or in computing the Amount of any retiring Pension to which he may become entitled on such Retirement, the Period during which he shall have held the Office of Commissioner for the Sale of Incumbered Estates shall be counted as if he had served such Period in such Office to which he may be so hereafter appointed.

Retiring Pension of Officers.

XXI. Every Registrar, Taxing Officer, Accountant, Examiner, or other Officer, who shall hold Office under the Provisions of this Act, shall be entitled to the like retiring Allowances and upon the same Conditions as by the "Court of Chancery (Ireland) Regulation Act, 1850," are provided in respect of the Offices of the said Court of Chancery; and all the Provisions of the said Act relating to such retiring Allowances shall extend to and include the Officers of the Court hereby created, and their respective Salaries, save that the said retiring Allowances shall be paid out of such Moneys as may be provided by Parliament for that Purpose: Provided that in estimating the Length of Service the Time during which any such Officer shall have filled any Office in the Court of the Commissioners for the Sale of Incumbered Estates in Ireland, or in the Court of Chancery or the Superior Courts of Common Law in Ireland, shall be taken into Account as if such Service had been under this Act; that Stephen Woulfe Flanagan, and the several other Officers of the Court for Sale of Incumbered Estates in Ireland whose Offices have been or shall be abolished, and such Officers as are not to be transferred to the said last-mentioned Court, shall receive such Compensation by way of

Compensation to unemployed Officers of the Incumbered Estates Court.

of annual Payment out of such Monies as may be provided by Parliament for that Purpose, as the Judges, with the Assent of the Lord Chancellor, shall recommend, and shall be approved of by the Commissioners of Her Majesty's Treasury.

Commencement of the new Court.

XXII. The Authority and Jurisdiction of the "Landed Estates Court (Ireland)" shall commence and take effect from the First Day of November next.

Jurisdiction of Commissioners for Sale of Incumbered Estates to continue until Formation of new Court.

XXIII. Every Commissioner, Secretary, or other Officer appointed under the Provisions of the first-recited Act may hold his Office until the said First Day of October, and no longer; and all such Applications under the said recited Acts or any of them as are mentioned in Section Eleven of the said thirdly-recited Act of the Sixteenth and Seventeenth Years of Her Majesty, and which are by the said lastly-recited Act of the Nineteenth and Twentieth Years of Her Majesty authorized to be made within Five Years from the Twenty-eighth Day of July One thousand eight hundred and fifty-three, may be made before the said First Day of November next; and all Orders and Proceedings by such said Acts or any of them authorized, and which might be made, had, or taken under the same, may be made, had, and taken at any Time before the said last-mentioned Day.

Lord Chancellor to call for a Return of Business before the Commissioners.

XXIV. It shall and may be lawful for the Lord Chancellor to issue an Order directed to each of the Commissioners for the Sale of Incumbered Estates in Ireland requiring him to report to the Lord Chancellor the Number and Titles of Matters pending in his Office, distinguishing those in which Orders for a Sale or for an independent Partition or Exchange have been made, those in which Rentals have been settled, those in which Sales have been had, those in which Deeds have been executed to a Purchaser, and those in which Final Schedules have been ruled, with the Date of the filing of the Petition in each Matter, so far as such Proceedings shall be incident to such Matters, and the Dates of such Acts of the Commissioners in the Progress of such Matters respectively as have been in this Section enumerated; and each Commissioner shall, within such Time after having been served with such Order as shall be named therein, make a Report or Return in conformity to the Terms and Requisition of same.

Judges to make annual Return.

XXV. At the Termination of each Year after this Act shall come into operation, each Judge shall furnish to Her Majesty's Secretary of State for the Home Department a Return showing the Number and Titles of Matters which shall have been brought into his Chamber during the Year, distinguishing those which are founded upon original

Applications from those referred by the Courts of Chancery and the Court of Bankruptcy and Insolvency, and distinguishing those in which Orders for a Sale or independent Partition or Exchange or for specific Performance or Declarations of Title have been made, and those in which Applications or References have been dismissed or the Title registered, and also the Titles of Matters in which Rentals have been settled, those in which Sales have been had, those in which Deeds of Conveyance have been executed to a Purchaser, and those in which Final Schedules have been settled, together with the several Dates of such Applications or References, and the Dates of such Acts of the Judges respectively as are in this Section enumerated; and the said Return shall also state the Sum produced on each Sale; provided that the Form of and Particulars to be contained in such Return may be varied by any General Order of the Court.

All Matters pending before the Incumbered Estates Court to be transferred to the new Court.

XXVI. When and so soon as the Court constituted by this Act shall come into operation, all the Matters theretofore pending before the Commissioners for the Sale of Incumbered Estates in Ireland shall thereupon stand transferred to the "Landed Estates Court, Ireland," and be dealt with in that Court in respect of all Orders and Conveyances, and otherwise in the further Prosecution of the same, as if the said Matters had been commenced in the said last-mentioned Court; and all Acts and Orders of the said Commissioners, whether their Powers shall or shall not have expired, shall continue in force, save as herein mentioned; and the Court shall for the Purposes of such Matters have all the Jurisdiction, Power, and Authority possessed by the said Commissioners, as well as those conferred upon the Court by this Act; and all the Rules of Procedure which shall be in force under this Act shall be applied in the future Prosecution thereof, so far as such Rules are capable of being so applied, and if such Rules shall not be found applicable thereto, then such Matters shall be prosecuted according to the Course of Procedure theretofore used before the said Commissioners; and every Appeal previously made to the full Court of the said Commissioners which shall be then pending shall not be heard by them, but shall be prosecuted directly before the Court of Appeal in Chancery; provided that nothing herein contained shall prevent the said Commissioners from giving Judgment in any Case which shall have been heard before them, or shall prevent any of the Parties to such Matter from having an Appeal therefrom to the Court of Appeal in Chancery; and provided that every Proceeding to make absolute a Conditional Order which shall have been made by the Court of the Commissioners for the Sale of Incumbered Estates in Ireland, or by any of them, shall be prosecuted before a Judge of the said Landed Estates Court as if such Order had been pronounced by him; provided also, that nothing herein contained shall operate to prevent the

the Court from rescinding, vacating, or varying any Acts or Orders of the said Commissioners, as if same had been made or done by the Court itself.

Transfer of Stock and Cash to the Control of new Court.

XXVII. When and so soon as the Court constituted by this Act shall come into operation, the Cash and Stock now standing to the Credit of the Commissioners for the Sale of Incumbered Estates in Ireland, or under their Control, or of any Matters then pending before them, shall be transferred to or placed under the Control of "The Landed Estates Court, Ireland," and may be generally transferred or changed to such Names or Credit as the last-mentioned Court shall, by any General Order or Orders or by any Special Order or Orders, from Time to Time direct; and in the meantime it shall be lawful for the several Judges of the Court from Time to Time to make such Orders in relation to any Portion or Portions of such Funds, and draw or make such Orders, or ratify such Drafts or Orders of the Commisssioners in relation to any Portion or Portions of such Funds, as the said Commissioners or any of them could have drawn or ratified before the Time when this Act shall have come into operation, or as such Judges shall be authorized by any General Rule or Order of the Court; and the Accountant of the "Landed Estates Court, Ireland," shall and hereby is authorized and empowered to do any Act which the Accountant of the said Commissioners could have done before this Act shall have come into operation, or such Acts as he shall be authorized to do by any General Rule or Special Order of the Court.

Deeds, Books, &c. to be handed over as Lord Chancellor shall direct.

XXVIII. When the Court constituted by this Act shall come into operation the several Officers of the Court of the Commissioners for the Sale of Incumbered Estates in Ireland shall respectively hand over and deliver up all such Deeds, Documents, Books, and Papers as shall be then in their Custody as such Officers, and to such Person or Persons as the Judges of the Court shall by Order direct.

Judges to frame and promulgate Forms of Application, &c. &c. 12 & 13 Vict. c. 77. s. 9.

XXIX. The said Judges shall frame, and cause to be printed and circulated or promulgated, as they shall see Occasion, Forms of Applications and Directions indicating the Particulars of the Information to be furnished to the Court, on Applications to them under this Act, with reference to Title, Incumbrances, and the Circumstances of the Land, and such other Information as, in the Judgment of the said Judges, may assist them in forming an Opinion on such Application, and also such other Forms and Directions as they may deem requisite or expedient for facilitating Proceedings under this Act.

Judges to frame General Orders. 12 & 13 Vict. c. 77. s. 10.

XXX. The said Judges, on or before the First Day of November next, shall prepare a Code of General Rules, such as they may think best adapted for regulating the Course of Procedure under this Act, and in relation to the making Investments, and generally for securing the due Execution of the Powers vested in the said Court, and giving Effect to the Provisions and Objects of this Act; but no Fees or Sums shall, under any such General Rule or otherwise, be payable to any Officer or Person appointed under this Act, upon or in respect of any Proceedings under this Act, save in respect of the Copy or Extract of or from any Order, Document, or Proceeding actually required and taken by any Party, such Sum, not exceeding Three Halfpence for every Ninety Words, as shall be paid for the making of such Copy or Extract, and the said Court shall authorize to be charged to such Party for the same: Provided always that every such Code of General Rules shall be laid before the Lord Chancellor of Ireland, and the Lord Chancellor thereupon, with the Assistance of the Lord Justice of Appeal, shall consider the Expediency of such Rules and every of them; and it shall be lawful for the Lord Chancellor, with the Concurrence of the Lord Justice of Appeal, by Order signed by him, to confirm or disallow all or any of such Rules, or to alter or amend, and confirm with such Alterations or Amendment, any of such Rules, or to remit any of such Rules to the said Judges for further Consideration, or to frame any additional Rule or Rules; and every such General Rule or Rules (when the same shall have been so confirmed by Order of the Lord Chancellor) shall be enrolled in the High Court of Chancery in Ireland, and when so enrolled shall be binding on the said Court in the Exercise of its Powers, and shall be of the same Force and Effect as if the same had been enacted by Authority of Parliament: Provided also, that any Rules so confirmed and enrolled as aforesaid may from Time to Time be added to, rescinded, amended, or altered, as Occasion may require, by other Rules made by the Judges for the Time being, and confirmed and enrolled in like Manner; and provided also, that it shall be lawful for either of the Judges of the Court singly to lay any Rule or Rules before the Lord Chancellor which such Judge may think expedient, whereupon the Lord Chancellor may proceed with respect to such Rule or Rules as if the same had been prepared and laid before him by both the Judges of the said Court.

Special Notice to Tenants and Owners of contiguous Lands.

XXXI. The Court or Judges thereof, in framing General Orders under this Act, shall have regard to the best Mode of apprizing Tenants on the Estate of the Subject of any Matter or Reference pending before the Court, and of the Nature and Effect of the Proceeding,

Proceeding, by causing Notices to be posted on and in the Vicinity of the Lands, and also by Advertisement or otherwise, thereby inviting them to establish their Rights, with a view to have such reserved, and shall also have regard to the best Mode of calling the Attention of Owners of Lands contiguous to those which may be the Subject of any Matter or Reference pending before the Court, to the Boundaries set out in the Maps annexed to the Rental, and shall also have regard to the best Mode of having brought before the Judge a Draft of every proposed Conveyance or Declaration, and of having produced before the Judge such Materials as shall enable him to settle such Conveyance or Declaration in accordance with the Rights of the Tenants and other Parties concerned.

General Orders to be laid before Parliament.

XXXII. Such Code of General Rules as shall be made and confirmed as aforesaid shall be laid before both Houses of Parliament within One Calendar Month from the Enrolment thereof, if Parliament be then sitting, or if Parliament be not then sitting, within One Calendar Month from the Commencement of the next Session of Parliament.

Power of Court to summon and examine Witnesses. 12 & 13 Vict. c. 77. s. 12.

XXXIII. It shall be lawful for the Court, by Summons under its Seal, to require the Attendance before One of the said Judges or any Officer of said Court, at a Time and Place to be mentioned in such Summons, of all such Persons as it shall think fit to examine in relation to any Question or Matter depending before the said Court, and to require all such Persons to produce before the said Court or Judge or Officer all Deeds, Books, Papers, Documents, and Writings relating to such Question or Matter, and to examine upon Oath, or, in case of Persons allowed to make Affirmations or Declarations in lieu of an Oath, upon Affirmation or Declaration (as the Case may require), all Persons who shall attend under such Summons, and all Persons who shall voluntarily attend as Witnesses; and it shall be lawful for either of the said Judges or any Officer appointed for that Purpose generally or in the particular Matter to administer such Oath, Affirmation, or Declaration, and every Person required by such Summons so to attend who without reasonable Cause, to be allowed by the said Court, shall fail to appear according to the Tenor of such Summons, or shall refuse to be sworn or to make Affirmation or Declaration (as the Case may be), or shall not make Answer to all such Questions as shall be lawfully put to him on such Examination, or shall refuse or fail to produce before the said Court, Judge, or Officer any such Deed, Book, Paper, Document, or Writing, being in or under his Custody, Possession, or Power, as shall be lawfully required to be produced by him before the said Court, Judge, or Officer, shall for such Default of Appearance, Refusal to be sworn or to make Affirmation or Declaration,

tion, or for not answering any such Question as aforesaid, or not producing such Deed, Book, Paper, Document, or Writing, incur and be liable to all such Penalties, Prosecutions, Actions, and Suits as a Person might incur or be liable to for failing to appear or refusing to be sworn or to give Evidence in any Suit or Matter depending in the High Court of Chancery in Ireland; and the said Court, and each of the Judges thereof, shall have the like Powers, Jurisdiction, and Authority for enforcing the Attendance of Persons summoned as aforesaid, for punishing Persons failing to appear or refusing to be sworn or to make Affirmation or Declaration, or to give Evidence, or guilty of Contempt, and generally for enforcing all Orders made by the said Court under any of the Powers or Authorities vested in it under this Act, and otherwise in relation to the Matters to be inquired into and done by them under this Act, as are by Law vested in the High Court of Chancery in Ireland for such Purposes in relation to any Suit or Matter depending in such Court.

Judges may receive Affidavit in Evidence. 12 & 13 Vict. c. 77. s. 13.

XXXIV. Provided always, That the said Court or Judge thereof may, where they or he think fit, receive in Evidence Affidavits; and such Affidavits may be made before any Person empowered to take Affidavits which may be received in Evidence in the Court of Chancery in Ireland, or where they think fit the said Court may, by Order under the Seal thereof, appoint and authorize any Person, either generally or in a particular Matter, to take Affidavits or examine any Witness or Witnesses who shall attend before such Person to be examined in Ireland or elsewhere, in relation to any Application to or Matter pending before the said Court, and to administer Oaths, Affirmations, or Declarations for the Purposes of such Examination; but the Deponent in every such Affidavit shall, on the Application of any other Party interested in the Facts deposed to, be subject to be cross-examined by or on behalf of such other Party orally in open Court, or before any Person appointed to take such Examination, and after such Cross-examination may be re-examined orally in open Court or before such Person appointed as before said.

Examination by Commissioners.

XXXV. It shall be lawful for the Court to enforce the Attendance of Witnesses, and to have such Witnesses examined and Evidence taken in any Matter pending before it, whether by Commission or otherwise, before such Person or Persons or such Tribunal as under the several Statutes now in force and hereafter to be enacted the Court of Chancery, or Her Majesty's Superior Courts of Common Law in Ireland, may have Evidence taken abroad.

Orders of the Court may be en-

XXXVI. Every Order made by the said Court constituted under this Act, a Copy whereof shall be certified under their Seal to the High

High Court of Chancery in England, may be enrolled in like Manner and enforced by the like Process as an Order for Payment or for accounting for Money made by the High Court of Chancery in Ireland, a Copy whereof is exemplified and certified to the said Court of Chancery in England under the Great Seal of Ireland, may be enrolled and enforced under an Act passed in the Forty-first Year of King George the Third, intituled "An Act for the more speedy and "effectual Recovery of Debts due to His Majesty, His Heirs and "Successors, in right of the Crown of the United Kingdom of Great "Britain and Ireland, and for the better Administration of Justice "within the same."

forced in England. 12 & 13 Vict. c. 77. s. 14.

XXXVII. The said "Landed Estates Court, Ireland," shall be a Court of Record, and shall have all the Powers, Authority, and Jurisdiction of a Court of Equity in Ireland, for the Investigation of Title, and for ascertaining and allowing Incumbrances and Charges, and the Amounts due thereon, and settling the Priority of such Charges and Incumbrances respectively, and the Rights of Owners and others, and generally for ascertaining, declaring, and allowing the Rights of all Persons in any Land in respect of which Application may be made under this Act, or in the Money to arise from Sales under this Act, upon such Applications, and shall have the like Authority and Jurisdiction for enforcing, rescinding, or varying any Contract for Sale made under this Act, and in other Matters incident to or consequent on a Sale under this Act, as are vested in a Court of Equity in relation to a Sale under the Direction of such Court, but the Procedure of the Court in reference to the same shall be according to such General Rules as aforesaid, or when the General Rules shall be inapplicable, at the Discretion of the Court; and the said Court shall have Power, in relation to any Matter or Question before them, to direct Issues of Fact to be tried by a Jury; and, subject to any General Rules as aforesaid, the Acts and Orders of each Judge acting separately shall for all the Purposes of this Act be deemed and taken in relation to all such Inquiries and Matters as the Acts and Orders of the said Court, and so described in the said Orders and in all legal Proceedings.

Court to be a Court of Record. 12 & 13 Vict. c. 77. s. 15.

Powers of Court.

Power of the Court to state a Case at Law or direct an Issue.

CLAUSE A.

XXXVIII. It shall be lawful for the Court to cause any Matter or Question of Fact arising in any Proceeding before them to be tried by a Special or Common Jury before the Court itself; and the Court may make all such Rules and Orders upon the Sheriff, or on any other Person, for procuring the Attendance of a Special or Common Jury for the Trial of such Question or Matter of Fact, as may be made by any of the Superior Courts of Common Law at Dublin, and may also make any other Orders which to the Court may seem

Power to Court to summon a Jury. 19 & 20 Vict. c. 77. ss. 35, 36.

seem requisite; and every such Jury shall consist of Persons possessing the Qualification, and shall be struck, summoned, balloted for, and called in like Manner, as if such Jury were a Jury for the Trial of any Cause of the said Superior Courts; and every Juryman so summoned shall be entitled in the same Rights and subject to the same Duties and Liabilities as if he had been duly summoned for the Trial of any such Cause in any of the said Superior Courts; and every Party to any such Proceeding shall be entitled to the same Rights as to Challenge and otherwise, as if he were a Party to any such Cause, and generally for all Purposes of or auxiliary to the Trial of Question of Fact by a Jury before the Court itself; and in respect of new Trial the Court shall have the same Jurisdiction, Powers, and Authority in all respects as belong to any Superior Court of Common Law, or to any Judge thereof, for the like Purposes: Provided that from any Order made by the Court on an Application made for a new Trial there shall be the same Right of Appeal as from any other Order of the Court: Any Question of Fact which shall be so ordered to be tried by a Jury before the Court itself shall be reduced into Writing in such Form as the Court shall direct, and at the Trial the Jury shall be sworn to try the said Question, and a true Verdict give thereon according to the Evidence, and upon every such Trial the Court shall have the same Powers, Jurisdiction, and Authority as belong to any Judge of any of the said Superior Courts sitting at Nisi Prius.

Court may rescind or vary its own Orders. 12 & 13 Vict. c. 77. s. 51.

XXXIX. It shall be lawful for the Court to review and rescind or vary any Order which shall have been previously made by it or by the Commissioners for the Sale of Incumbered Estates, or any of them, but, save as aforesaid, and as herein-after provided, every Order of the Court shall be final.

Proceedings in each Matter to be taken before a single Judge.

XL. Upon each Petition being presented to the said Court, the Subject Matter of the same shall be referred to and become attached before One of the said Judges, according to a Routine to be settled by the General Orders of the said Court, and all Proceedings in reference to the same, save as herein-after provided, shall be taken before the Judge before whom such Matter shall have been so attached, and the Decision of such Judge in the Course of the Proceedings in the said Petition Matter shall not be subject to any other Appeal than that herein-after provided, and every Order of such Judge shall be deemed and taken to be and shall be called the Order of the said Court: Provided always, that nothing herein-contained shall operate to prevent such Judge before pronouncing any Decision, if he shall see fit, from calling in the Aid of the other Judge of the said Court; provided also, that it may be lawful for any or either of the Judges of said Court to take up and perform

perform in the whole or Part the Duty of the other Judge of the said Court in relation to any Matter attached or pending before him, where such other Judge shall be ill or absent or his Office be vacant, or for other reasonable Cause.

Appeal from Judges to Court of Appeal in Chancery.

XLI. Every Order or Decision of the Judge shall be subject to a direct Appeal to the Court of Appeal in Chancery in Ireland and no other, but such Appeal must be entered within Thirty Days from the Date of the Decision or Order, or such further Time as the Court shall by special Leave allow, and be thereafter duly prosecuted, otherwise the Decision or Order shall be final; and every Appeal shall be subject to such Regulation in regard to Deposit of Costs as shall be directed by any General Order to be made in pursuance of this Act, and on Hearing of such Appeal the only Evidence to be relied on or admissible shall be such as was given before the Court below, but the said Appeal Court, if it shall think fit, may receive such Evidence, or direct or make any such Inquiry thereon, as it shall seem fit, or may direct the Court below to rehear the Case, on such further Evidence as it may be in the Power of either Party to produce; and the Costs of such Appeal shall be in the Discretion of the said Court of Appeal: Provided always, that it may be lawful for said Court of Appeal if it see fit, on special Application for that Purpose, to rehear any Appeal upon which it may already have made an Order, and on such Rehearing to rescind, vary, or add to such Order as to said Court of Appeal may seem just.

Appeal to the House of Lords.

XLII. Any Decision of the Court of Appeal in Chancery from the "Landed Estates Court, Ireland," shall be subject to an Appeal to the House of Lords in like Manner as, and subject to the like Conditions and Restrictions as, apply to or govern, or hereafter from Time to Time shall apply to or govern, Appeals from the Court of Appeal in Chancery to the House of Lords.

Clause B. Owner of Incumbered Estate, or any Incumbrancer, may apply for a Sale. 12 & 13 Vict. c. 77. ss. 16, 17.

XLIII. Where any Land in Ireland shall be subject to any Incumbrance, it shall be lawful for any Incumbrancer on such Land, or for the Owner of any Estate therein charged with such Incumbrance, to apply to the Court, under the Provisions of this Act, for the Sale of the Estate in said Land charged with such Incumbrance.

Clause C. Owner of unincumbered Estates may apply for a Sale.

XLIV. In any Case where any Person shall be seised or possessed of any Estate in Land as Owner thereof (save a Trustee, other than a Trustee for Sale,) it shall be lawful for such Person to apply to the Court for the Sale of such Estate under the Provisions of this Act.

 XLV. Wherever

CLAUSE D. Incumbrance by Trust Term.

XLV. Wherever any Incumbrance affecting Land shall be secured by a Trust Term thereof of not less than One hundred Years absolute unexpired, and shall have been created by the Owner of a larger Estate in such Land, whether Freehold or Chattel, such Incumbrance shall for the Purposes of this Act be deemed an Incumbrance upon such larger Estate; and an Incumbrance on Land charged under a Power shall for the Purposes of this Act be deemed an Incumbrance upon the Estate in such Land of the Person who created such Power.

Court to exercise the Jurisdiction of Chancery for Sale of settled Estates under the 19 & 20 Vict. c. 120.

XLVI. It shall and may be lawful for any Person who would be authorized under the Act of the Nineteenth and Twentieth Years of Her Majesty, Chapter One hundred and twenty, entitled "An Act "to facilitate Leases and Sales of settled Estates," to make an Application to the Court of Chancery for the Sale of a settled Estate in Land, instead of making such Application to the said Court of Chancery to apply to the Court created by this Act for the Purpose of having the Sale of such settled Estate in the said Lands under the said last-mentioned Court; and thereupon it shall be lawful for the Court to exercise all the Powers conferred upon the Court of Chancery in relation to Sales of such Nature under the Provisions of the said last-mentioned Act; save that the Judge shall himself execute the Conveyance to the Purchaser under such Sale, and save that such Conveyance shall have the like Operation and Effect, and confer such indefeasible Title to the Purchaser, as if such Sale had been made and such Conveyance had been executed upon an Application for the Sale of an Incumbered Estate under this Act: Provided always, that the Court shall make such Investigation of the Title and Circumstances of the said Lands as the Court shall see expedient, and as in other Cases preliminary to Sales under this Act; provided also, that every Decision and Order in the Course of such Proceeding shall be subject to Appeal to the Court of Appeal in Chancery as in other Cases under this Act.

Vendor or Vendee may apply for an Investigation of Title, and a Conveyance with indefeasible Title.

XLVII. Whenever a Contract for Sale of any Estate in Ireland shall be made, it shall and may be lawful for the Vendor and Vendee jointly, or, if the Contract shall so provide, for the Vendor or Vendee individually, as the Case may be, to present a Petition to the said Court for the Purpose of procuring for the said Vendee an indefeasible Title to the Land so previously sold, and a statutable Conveyance thereof under the said Court to him, and (if necessary) the Court, as incidental to such Proceeding, may make an Order for a specific Performance of such Contract at the Instance of either Party, and thereupon all Investigations of Title and other Proceedings in relation to such Petition shall be similar to those which are and shall be prescribed for Owners applying for the Sale of incumbered

or

or unincumbered Property by the Court as aforesaid, save that no Sale thereof shall be made by the said Court, unless the Petitioner, being the Vendor, shall so desire, with the Consent of the Purchaser, but the Sale or Contract so theretofore made by the Vendor shall be ratified by the said Court, if it shall so think fit, and a Conveyance of such Property so sold shall be executed to the Purchaser by the Judge, and such Conveyance shall have the same Validity and Effect as Conveyances of Incumbered Estates by the Judges under this Act; and it shall and may be lawful for such Court, if necessary, to pay and discharge out of the Purchase Money such Incumbrances as shall appear upon Investigation of Title to be charged upon the Property so sold or contracted to be sold, and for that Purpose to order the Purchase Money into Court: Provided always, that it shall be lawful for the Court, at the joint Instance of the Vendor and Vendee, to substitute any other Person as Purchaser in the Room and Stead of the original Vendee, or to set up the Land for Sale under the Court, and in such Case the Conveyance shall be made by the Judge to such substituted or other Purchaser as if the original Application had been for a Sale of the Lands so contracted for.

Incidental Power to enforce specific Performances.

XLVIII. In the Matter of every such Application as in the last Section mentioned, the Court, if so required, shall as incident to such Application, exercise and is hereby invested with all the Jurisdiction and Powers at present exercised by the Court of Chancery in respect to specific Performance of Contracts for the Sale of Land, whether the Person seeking for such Relief shall be the Person who shall have made the original Application in the Matter or not.

Where Decree for a Sale in Chancery, Sale to be made by the "Landed Estates Court, Ireland."

So where Sale ordered in Bankruptcy or Insolvency; and Title to be investigated.

XLIX. Whenever any Order or Decree for a Sale of any Estate of Land in Ireland shall be pronounced by the High Court of Chancery in Ireland, or One of the Masters thereof, or any Judge or Officer of the said Court who, according to the Practice thereof, may make such Decree or Order, and where any Order for Sale of Lands shall be pronounced by a Judge of Her Majesty's Court of Bankruptcy and Insolvency in Ireland, such Sale shall be effected in and by the "Landed Estates Court in Ireland," and not by or under the said Court of Chancery, or the said Court of Bankruptcy and Insolvency, and the Title of such Land shall undergo such Investigation by the "Landed Estates Court in Ireland," preparatory to such Sale, as shall be incident to Sales founded upon Petitions filed in the said last-mentioned Court, and the Conveyance of such Land to the Purchaser thereof shall be executed by a Judge of the said last-mentioned Court, and such Conveyance shall have the like Operation and Effect as Conveyances by Judges of the said Court to Purchasers upon Sales founded upon Petitions to the said Court

under this Act: Provided always, that if upon the Representation of the Parties, or on Consideration of the small Value of the Property to be sold, the said Courts of Chancery or Bankruptcy and Insolvency respectively shall not deem it expedient to have such Investigation of Title or Sale or Conveyance by the "Landed Estates Court, Ireland," it shall be lawful for such Courts respectively to retain the Conduct of the said Sale, and otherwise act in relation thereto according to their own Course of Proceeding as if this Act had not been passed.

Application of Purchase Money when Sale in pursuance of Order in Chancery or Bankruptcy.

L. Where Sales shall be effected in and by the "Landed Estates Court, Ireland," of any Lands which had been decreed or ordered to be sold by Decree or Order of the Court of Chancery or any of the Judges, Masters, or other Officers thereof as aforesaid, the Purchase Monies realized by such Sales shall, if the Court of Chancery or Judge or Master thereof shall so direct, be paid into or lodged in the Bank of Ireland to the Credit of the Accountant General of the Court of Chancery, or otherwise disposed of in such Matter as shall be directed by any General or Special Order of the Court of Chancery, and shall be distributed by such Court according to the Course and Practice thereof as if this Act had not been passed, and as if the Fund so realized had been produced by a Sale directly had by or under the Court in which such Proceedings had been instituted; but when the said Court of Chancery shall not direct such Purchase Monies to be so lodged to the Credit of the Accountant General of the said Court, the same shall be lodged to the Credit of the Court hereby constituted, and abide the Order thereof as if the Sales had been made on an original Application to the same, unless the Court shall deem it expedient to transfer such Fund to the Court of Chancery; and in every Case where a Sale shall be so made by the "Landed Estates Court, Ireland," in pursuance of an Order of the Court of Bankruptcy and Insolvency, the Purchase Money upon the same shall abide the General or Special Orders of the said last-mentioned Court, or which may be in force for the Regulation of the same, or otherwise, as if such Sale had been made directly under the said Court of Bankruptcy and Insolvency, and this Act had not been passed: Provided nevertheless, that if on such Investigation of Title as in the last Section mentioned it shall appear to the Court that the Title is insufficient, and such as the Court ought not and would not sell if the Proceedings had been originally instituted in the "Landed Estates Court, Ireland," the Judge shall refuse to sell, and shall certify and report such Refusal and the Reason thereof to the Court by which such Decree or Order shall have been made, together with such other Matters relating to the Defect in such Title as to the Judge shall seem expedient, but subject

subject to such Appeal as is herein provided from the Orders of the Judge.

Owner may obtain a Declaration of indefeasible Title from Court.

LI. Where any Owner of an Estate in Fee Simple in Land in Ireland shall desire to have his Title thereto investigated by the Court, and a Judicial Declaration made thereon that he has a good and sufficient Title to the same, as alleged by him, with view to future Sale, Mortgage, or Registration thereof, or other Objects, it shall be lawful for him to make an Application to the Court for that Purpose, whereupon the said Court shall investigate such Title and give such Notices, by Advertisement or otherwise, as the Court may by General or Special Order direct, and otherwise proceed in like Manner as if a Sale of such Land had been sought by the Owner; and if such Title shall appear satisfactory to the Court, it shall be lawful for the Judge to make and sign a written Declaration to that Effect, which shall be sealed with the Seal of the Court, and shall state, in a Schedule thereto, any Leases, Tenancies, and Incumbrances to which the Court shall find such Estate subject; and such Declaration so signed, sealed, and registered, as herein-after mentioned, shall have the Effect of making such Title so described in such Declaration (but subject to the Leases, Tenancies, and Incumbrances referred to in such Schedule,) conclusive and indefeasible from the Date of signing thereof by the Judge, in like Manner as same would have been vested in a Purchaser upon a Sale and Conveyance to him by the Court upon an Application to it for a Sale of the said Land; and it shall and may be lawful for such Owner to have such Declaration registered in the Office for the Registry of Deeds in Ireland, which original Declaration the Registrar of such Office is hereby authorized and directed to file as he is now bound by Law to do in respect to Memorials of Deeds, and shall receive such Fees on the Registration of such Declaration as are now chargeable on the Registration of Deeds; and the Registrar shall enter in the Books of the Registry the Name of the Person mentioned in said Declaration as having such Title, and the Name and Description of the Lands therein set forth, and shall refer to same on a Requisition for Searches, in like Manner as he is now bound by Law to enter the Names of Parties and Lands as described in Memorials of Deeds, and make such Return on Requisitions as aforesaid; and the Registrar shall from Time to Time give Attested Copies of such Declarations to any Persons who shall require the same, on Payment of the Fees payable in respect of Copies of Memorials, and such Copies of Declarations shall have all the Effect in Evidence which has been given by any Statute now in force with respect to Memorials of Deeds registered in the said Office: Provided always, that no Registration of such a Declaration shall be permitted by the said Registrar of Deeds, unless the Declaration be lodged with him within One Week from

Effect of Declaration.

Registry of Declaration.

the Date of the Execution thereof by the Judge, and unless an Affidavit of the Execution of the same by such Judge shall be made by a Solicitor presenting the same, which Affidavit the said Registrar is hereby empowered to administer, and any Person swearing falsely in any such Affidavit shall be subject to all the Penalties and Punishment affixed by Law to the Crime of Perjury; and the said Court shall keep a Record of such Declaration in such Form and Manner as shall be provided by a General Order: Provided that if after such Investigation of Title under this Section the Owner may be at liberty, instead of obtaining such Declaration, to have the Land sold and conveyed by the Court, and the Fund realized by such Sale disposed of as if the Application had been originally to that Effect.

Power of Court to sell, and Proceedings thereon. 12 &13 Vict. c. 77. s. 21.

LII. If upon any Application for a Sale, Conveyance to a Vendee, or Declaration under this Act, or the Execution of any Decree or Order for a Sale directed by the Court of Chancery or Bankruptcy and Insolvency in Ireland respectively, or upon any Information or Evidence which may be received by and produced to the Judge in relation to the Matter of such Application or Reference, it shall appear to the Judge that a Sale or Conveyance of the Land to which the Application, Decree, or Order may relate, or any Part thereof, or Conveyance to a Vendee or Declaration of Title may be found expedient, he shall direct Notices to be given to such Persons and in such Manner as he shall think fit, and shall, where any Parties interested in the Land apply to the Court for that Purpose, hear such Parties, by themselves, their Counsel or Solicitors, and shall, so far only as may be necessary to enable him to determine whether, under all the Circumstances, it is expedient that a Sale of all or any Part of the Land should be made, or Conveyance to a Vendee be executed, or a Declaration of Title should be made, investigate the Title and the Incumbrances affecting the Land, and the State and Circumstances of the Land, and, according as it shall seem so expedient to the Judge, it shall be lawful for him, at his Discretion, to make or refuse an Order for the Sale of all or any Part of such Land, or for a Conveyance to such Vendee, or a Declaration of Title accordingly, in manner aforesaid, or if he see fit he may dismiss any original Application in such Matter, or report or certify the Insufficiency of the Title to the Court of Chancery or Court of Bankruptcy and Insolvency in manner aforesaid.

Court to ascertain Tenancies, Right of Common, &c. 12 & 13 Vict. c. 77. s. 23.

LIII. Where a Sale shall be made, or a Conveyance executed, or a Title declared under this Act, the Judge shall, when and so far as he may deem necessary for the Purpose of such Sale, Conveyance, or Declaration, ascertain the Tenancies of the occupying Tenants, and of any Lessees or Under-lessees whose Tenancies, Leases, or Under-leases

and

and other such Rights as aforesaid affect the Land or Part thereof to be sold, conveyed, or be the Subject of such Declaration, and the Rights of Persons claiming Right of Common, Rights of Way, or other Easements in such Lands, and shall also ascertain the Boundaries thereof, and may give such Notices and make or cause to be made such Inquiries as he may think necessary for ascertaining and securing the Rights of such Tenants, Lessees, Under-lessees, or Persons having such Easements as aforesaid, and for ascertaining the Boundaries of such Lands; and all occupying Tenants, and all Persons being or claiming to be Lessees or Under-lessees as aforesaid, or claiming such Right of Common, Right of Way, or other Easement, shall, at such Times and Places as the Judge may by his Notices require, produce all Leases, Under-leases, Agreements in Writing, or Deeds or Instruments under which such Tenant or Person occupy or claim to hold, or such Persons claim such Easements, if such Leases, Under-leases, or Agreements, or Counterparts thereof, or such Deeds or Instruments, be in their Possession or Power, and where they occupy or claim to hold under Leases, Under-leases, or Agreements in Writing not in their Possession or Power, or under parol Agreements or Lettings, they shall deliver, at such Times and Places as aforesaid, Particulars of the Terms and Conditions upon and subject to which they occupy or claim to hold; and such Persons as may claim Right of Common, Right of Way, or other Easements, or who may dispute such alleged Boundaries, shall also in like Manner deliver Particulars of such Rights or such Grounds of Objection to such Boundaries, and shall sustain such Claims or Objections; and the Sale, Conveyance, or Declaration shall be made subject to the Tenancies, Leases, or Under-leases, Rights of Common, Rights of Way, or other Easements, and to such Boundaries, ascertained as aforesaid, and subject to which the Owner, Incumbrancer, or other Person applying for a Sale, Conveyance, or Declaration under this Act shall be Owner or Incumbrancer, and such other of the Tenancies, Leases, and Under-leases, or Easements, ascertained as above, as shall appear to the said Judge to have been granted bonâ fide by the Owner or Person in possession or in receipt of the Rents and Profits, and subject to which it shall appear to the said Judge the Sale, Conveyance, or Declaration should be made, save such (if any) of such respective Tenancies, Leases, and Under-leases as, with Consent as herein-after mentioned, shall be included in such Sale, and where the said Judge shall think fit, be made subject to any Leases, Under-leases, or Tenancies, according to any general Description, or subject to any Condition concerning any Leases, Under-leases, or Tenancies or Easements the Nature of which shall not have been ascertained or shall be disputed; and the Decision of the said Judge in relation to such Claim under

Leases or of Easement, or in relation to such Boundaries, shall be final and conclusive as to all Persons whatsoever, but subject to the Appeal hereby provided from the Orders of the Judges; and when the said Judge shall think fit, such Sale, Conveyance, or Declaration may be made subject to any annual Charge affecting the Land or Part thereof sold, or to any such apportioned Part of such annual Charge as the Judge may think fit should remain charged thereon; and where such Estate in Land or Part thereof is subject to any Incumbrance under the Terms of which the Incumbrancer cannot be required to accept Payment of the Principal Money before the Expiration of a Term of Years unexpired, such Sale or Conveyance may, if the said Judge think fit, be made subject to such Incumbrance; and the Court shall have Power, upon any Application for Sale, whether now pending before the Commissioners for Sale of Incumbered Estates, or to be hereafter made under this Act, to sell and convey any Land subject to any Right, Title, or Estate to or in Dower, Jointure, or Annuity.

Sale may be made subject to annual Charge or Apportionment thereof.

Court may sell subject to annual Charge.

LIV. Where the said Judge shall make an Order for Sale, the Land or Part thereof to which such Order shall relate shall be sold, by or under the Control and Direction of the said Judge, by Public Sale or Private Contract, together or in Lots or Parcels, at such Times and Places and generally in such Manner as the said Judge may think fit, and the Conveyance or Assignment of the Land or Part thereof shall be made by the said Judge under the Seal of the Court, and shall be signed by the said Judge, and the Execution by any other Party shall be unnecessary; and such Conveyance or Assignment shall express or refer to the Tenancies, Leases and Under-leases, Rights of Way, Rights of Common, or other Easement (if any), and Charges (if any), subject to which the Sale is made, and may be in the Form contained in Schedule B. to this Act, or to the like Effect, with such Limitation of Uses and other Additions or Variations as, with the Approval of the said Judge, the Purchaser may direct.

Sale to be had under Control of Court either by Public Auction or by Private Contract.

12 & 13 Vict. c. 77. s. 24.

Conveyance by Judge.

LV. The Purchase Money in every Case shall be paid into the Bank of Ireland, to an Account to be there opened in the Name of the "Landed Estates Court, Ireland," or otherwise as the Court by General Rule or Special Order shall direct; and on the Notification by the Bank to the said Court of the Receipt of the Money, a Certificate of such Payment shall be endorsed on or written at the Foot of the Conveyance or Assignment by the Judge who shall execute the same; and on such Payment into the Bank the Purchaser shall be discharged from all Liability in respect of the Application of the Money so paid, and such Certificate of the Judge under the Seal of the Court shall be Evidence of the Payment.

Purchase Money to be paid into Bank.

12 & 13 Vict. c. 77. s. 25.

LVI. Pro-

Persons interested may bid at Sale, except Petitioner, or Person having Carriage of Sale, who may bid by Permission of the Court. 12 & 13 Vict. c. 77. s. 26.

LVI. Provided always, That it shall be lawful for any Incumbrancer on, or Person otherwise interested in, any Land or Rentcharge, or Part thereof, (other than the Incumbrancer or Owner upon whose Application the Sale has been ordered, or the Person having Carriage of the Sale,) to bid at any Public Sale, and to become the Purchaser at any Public Sale or by Private Contract, in like Manner as any Person not interested therein might bid and become the Purchaser; and, by Leave of the said Judge, it shall be lawful for the Incumbrancer or Owner on whose Application the Sale has been ordered to bid and become the Purchaser; and where an Incumbrancer on any Land, or Part thereof, shall be the Purchaser of such Land, or Part thereof, the Judge may, if he think fit, authorize such Purchaser to retain out of the Purchase Money the Amount which might have been ordered to be paid thereout in respect of such Incumbrance in case the whole Purchase Money had been paid into the Bank of Ireland under this Act, or such Sum on account of such Amount as the Judge may think fit, and to pay the Residue only of the Purchase Money into the said Bank; and where, at the Time of authorizing such Retainer as aforesaid, the said Judge shall not finally have ascertained and determined the Priority and Rights of such Purchaser in respect of his Incumbrance, or the Amount which he would be entitled to be paid in respect thereof out of the Purchase Money, such Retainer shall be without Prejudice to the Power of the said Judge to require such Purchaser to pay into the said Bank the whole or any Part of the Amount so retained which ought to be paid by him, and the said Judge shall withhold his Certificate of Payment herein-before mentioned until he shall be satisfied that the full Purchase Money, less the Amount which such Purchaser would be entitled to be paid in respect of his Incumbrance, has been paid into the said Bank.

Incumbrancer becoming Purchaser may deduct the Amount of his Incumbrance from the Purchase Money, with Leave of Court.

Court may include Arrears of Rent in Sale of Land. 16 & 17 Vict. c. 64. s. 9.

LVII. Where a Sale is made by the Court under the said recited Acts or this Act of any Land or Lease, it shall be lawful for it, whenever it shall appear to such Court convenient so to do, to include in such Sale all or any Part of the Arrears of Rent, if any, which may at the Time of the Sale be owing from any Lessees or Tenants, subject to whose Leases or Tenancies the Sale is to be made, where such Arrears are subject to any Incumbrance in respect of which an Incumbrancer shall have obtained an Order for Sale, or where the Order for Sale has been obtained by the Owner, and in the Conveyance or Assignment of such Land or Lease to assign such Arrears to the Purchaser accordingly, and such Purchaser, his Heirs, Executors, Administrators, or Assigns, shall, after such Assignment of the said Arrears, have for the Recovery, and in respect of the Nonpayment thereof, the same Rights and Remedies which the Person or Persons

who would have been entitled to such Arrears would have possessed if no such Assignment thereof or any Conveyance or Assignment of such Land or Lease had been made.

Where Sale of undivided Share, the Court may include the other undivided Share at the Instance of its Owner. 16 & 17 Vict. c. 64. s. 6.

LVIII. Where there is or shall be an Application to the Court for the Sale of any undivided Share of any Land, it shall be lawful for the Court where it shall see fit so to do, upon the Application of the Owner of any other undivided Share or Shares of the same Land or Lease, (and although such other undivided Share be not subject to any Incumbrance,) or on the Application of any Incumbrancer on such other undivided Share or Shares, to include the same Share or Shares, upon such Terms as it shall see fit, with the Share so proposed to be sold as aforesaid, and in every such Case the Court shall apportion the Purchase Money among the Owners, according to their respective Shares so sold, and shall apportion the Expenses as they may see fit.

Court may order Conversion of Leaseholds in perpetuity into Fee Farm. 16 & 17 Vict. c. 64. s. 9.

LIX. Where the Court has ordered or shall order the Sale of any Lease in perpetuity, it shall and may be lawful for the Court, if it shall think it expedient so to do, to cause the same to be converted into a Fee Farm under the Renewable Leasehold Conversion Act, and for that Purpose to cause Notice to be given to the Owners or other Person interested in the Reversion, or any Person on behalf of such Owner or other Persons, or any Person deemed Owner under the Provisions of the Leasehold Conversion Act; and the Court may thereupon proceed to convert such Lease in perpetuity into a Fee-farm Grant, according to the Principles prescribed in the Renewable Leasehold Conversion Act, but the Procedure in relation thereto shall be according to the General Rules and Practice of the said Court; and in case such Conversion shall be ordered the Court shall have Power to convey the Land included in such Lease to the Purchaser in Fee, subject to the Fee-farm Rent to be ascertained as aforesaid, and to such Exceptions, Reversions, Covenants, and Clauses as shall be in conformity with the original Lease, and the Provisions of the Renewable Leasehold Conversion Act, and thereupon the Owner of the immediate Reversion expectant on the said Lease in perpetuity for the Time being shall have the same Rights and Remedies against the Purchaser, his Heirs, Executors, Administrators, and Assigns, and against the Land, by Action, Distress, Entry, or otherwise, in respect of such Rent, and of any Exceptions, Reservations, Covenants, and Clauses contained in the said Deed, as belong by Law to the Owner of any Fee-farm Rent created under the said Acts.

Conveyance to Purchaser to pass Fee,

LX. Every such Conveyance executed as aforesaid by the said Judge purporting to pass an Estate in Fee Simple shall be effectual to pass the

the Fee Simple and Inheritance of the Land, subject to such Charges, Tenancies, Rights of Common or other Easements, Leases, and Under-leases, as may be expressed or referred to therein as aforesaid, but, save as aforesaid, and as herein-after provided, discharged from all former and other Estates, Rights, Titles, Charges, and Incumbrances whatsoever of Her Majesty, Her Heirs and Successors, and of all other Persons whomsoever; and every such Conveyance or Assignment executed by the said Judge upon the Sale of a Lease or Rentcharge, or an Annuity charged on Land, or any partial or lesser Estate than an Estate in Fee Simple, shall be effectual to pass the Estate created or agreed to be created by such Lease, then remaining unexpired, or by the Instrument creating such lesser or partial Estate, Rentcharge, or Annuity, but subject as to such Lease to the Rent and Covenants annexed to the Reversion expectant on the Determination of such Lease, and as to such Instrument creating such Rentcharge, Annuity, or partial or lesser Estate, subject to such Tenancies, Rights of Common or other Easements, Leases and Under-leases, as shall be expressed or referred to in such Conveyance or Assignment, but, save as aforesaid, and as herein-after provided, discharged from all Rights, Titles, Charges, and Incumbrances whatsoever affecting the Leasehold Estate or Interest, Rentcharge, Annuity, or partial or lesser Estate: Provided always, that where any Land or Lease, or Part thereof, shall be sold and conveyed or assigned subject to any annual Charge or apportioned Part thereof, such annual Charge or such apportioned Part thereof (as the Case may be) shall remain and be charged on and payable out of such Land, or Part thereof, as in the Conveyance or Assignment shall be expressed.

subject to Tenancies, but discharged from all Estates and Incumbrances.
12 & 13 Vict. c. 77. s. 27.

Conveyance of a Lease. Rentcharge, Annuity, or partial Estate to pass Estate created by the Instrument purporting to grant same.
12 & 13 Vict. c. 77. s. 27.

LXI. Provided always, That any such Conveyance or Assignment as aforesaid shall not prejudice or affect any Rentcharge in lieu of Tithes, Crown Rent, or Quitrent charged upon or issuing out of any Land, or any Charge made by virtue of an Act passed in the Sixth Year of Her Majesty, intituled "An Act to promote the "Drainage of Lands and Improvement of Navigation and Water "Power in connexion with such Drainage in Ireland," and the Acts amending the same, or by virtue of an Act passed in the Tenth Year of Her Majesty, intituled "An Act to facilitate the Improvement of "Landed Property in Ireland," save where the said Court shall think fit to redeem the Crown Rents or Quitrents, or to pay off or redeem the Charges under the said Acts or either of them, under the Power herein-after contained, and shall express in such Conveyance or Assignment that the Land conveyed or assigned thereby is so conveyed or assigned discharged of all Crown Rents or Quitrents or

Conveyance not to affect certain paramount Charges.
12 & 13 Vict. c. 77. s. 28.
6 Vict. c.
10 Vict. c.

Power to redeem Crown Rents, &c.

Charges under the said Acts or either of them, as the Case may be, and in such Case such Land shall be so discharged accordingly.

Court may order Delivery of Tenants Leases, &c. 12 & 13 Vict. c. 77. s. 29.

LXII. The Court shall have Power to order the Delivery to the Purchaser, or as he shall direct, of all Leases or Counterparts of Leases and Agreements, and other Evidence of the Tenancies, subject to which the Sale shall be made, affecting the Land, or Part thereof sold, and shall, on the Application of any Purchaser, issue an Order to the Sheriff to put such Purchaser in possession of all such Lands not in the Occupation of Lessees, Under-lessees, or Tenants, subject to whose Leases, Under-leases, or Tenancies the Sale shall have been made, and who shall have attorned to such Purchaser within a Time to be limited in such Order, and such Order shall be executed by the Sheriff in like Manner as a Writ for the Delivery of Possession.

Application of Purchase Money. 12 & 13 Vict. c. 77. s. 30. 16 & 17 Vict. c. 64.

LXIII. The Court shall, out of the Purchase Money to be received on any Sale under this Act, where any Sale has been made in any Matter of a Petition filed in the said Court, allow and pay such Costs of and consequential on the Application for the Sale and the Expenses of and incidental to the Sale, according to the Provisions contained in the Twelfth Section of the Statute of the Sixteenth and Seventeenth of the Reign of Her Majesty, Chapter Sixty-four, and the Surplus of such Purchase Money, after Payment of such Costs and Expenses, shall, under the Order of the Court, be applied in or towards Payment or Satisfaction of the Incumbrances or Charges, if any, which affect such Land, or Part thereof, according to their Priorities, and shall, subject as aforesaid, be paid to the Owner where such Owner was absolutely entitled thereto, or, where not so entitled, be laid out in the Purchase of Land, which shall be limited and settled to the same Uses, upon the same Trusts, for the same Purposes, and in the same Manner as the Land, or Part thereof sold, stood settled or limited to, or such of them as shall be then subsisting or capable of taking effect; and until such Money can be so laid out, it may, under such Order as aforesaid, be transferred or paid over to the Trustees to be appointed or approved by the Court, for the Purpose of being so laid out as aforesaid, with such Power for the Investment thereof in Government Stocks, Funds, or Securities in the meantime, and such Directions for the Payment of the Income of such Investment, in the Manner in which the Rents of the Land to be purchased would be applicable, as the Court shall think fit.

Court may invest at nstance of Parties for

LXIV. Where the Judge shall be of opinion that from the Nature of the Case the Proceedings must be protracted, the Money so paid into the Bank as aforesaid may, by Order of the Court, be invested in

in the Purchase of any Stocks, Funds, or Annuities transferable at the Bank of Ireland in such Manner as shall be directed by any General or Special Order of the Court, and until the same shall be sold by Order of the Court for the Purposes under this Act, the Dividends thereof shall from Time to Time be applied, under the Order of the Court, in like Manner as the Rents of the Land or Lease, or Part thereof, from the Sale whereof the Money invested in such Stocks, Funds, or Annuities has arisen, would have been applicable, the Investments in, and Sale of such Stocks, Funds, and Annuities to be made through a Stockbroker to be appointed by the Party or Parties whom the Court shall name as properly interested in the same.

their Benefit. 12 & 13 Vict. c. 77. s. 31.

LXV. Whenever in the Course of Proceedings in any Petition Matter pending before the Court it shall appear expedient to appoint, change, or remove Trustees, it shall and may be lawful for the Judge to make such Orders, and give such Directions in reference to such Appointment, Change, or Removal, and in reference to the vesting Property in new Trustees, as the Lord High Chancellor is empowered to make under the Authority vested in him for such Purposes by "The Trustee Act, 1850," and also by another Act passed in the Session of Parliament holden in the Fifteenth and Sixteenth Years of the Reign of Her Majesty, intituled "An Act to extend the "Provisions of the Trustee Act, 1850," and by any other Act which may be passed in relation to Trustees.

Power to change or appoint Trustees. 12 & 13 Vict. c. 77. s. 32.

Trustee Act, 1850. 15 & 16 Vict. c. .

LXVI. Whenever the Court shall appoint or direct the Appointment of Trustees for any of the Purposes of this Act, it shall be lawful for the Judge to make or to direct to be made such Provision as he shall think fit for the Appointment of new Trustees on any Event to be determined by the Court.

Court may vest Property in new Trustees. Trustee Act, 1850.

LXVII. It shall be lawful for the Court to sell any Land or Part thereof discharged from any Crown Rent or Quitrent which it may be enabled and may with the Consent of the Owner think fit to purchase, or from any Charge made by virtue of the said Acts of the Sixth and Tenth Years of Her Majesty, or either of them, which it may, with such Consent, think fit to pay off or redeem; and in any such Case the Court shall, out of the Money arising from the Sale, and in preference to all other Payments thereout, pay the Consideration for the Purchase of such Crown Rent or Quitrent, or such Sum as may be necessary for paying off or redeeming such Charge; and it shall be lawful for the Court, where it shall think fit, to pay to any Person entitled to any annual or other Charge, not being an Incumbrance according to the Definition of this Act, who may consent to accept the same, a gross Sum in discharge or by way of Redemption thereof or of a Part

Court may provide for Redemption of certain Charges, and otherwise to facilitate the Distribution of the Purchase Money. 12 & 13 Vict. c. 77. s. 34.

Part thereof, and where a Part only of any Land or Lease subject to any Incumbrance or Charge is sold, to charge the Part not sold with such Incumbrance or Charge, or an apportioned Part thereof, in exoneration of the Money arising from the Sale, and to enable or authorize Persons to release the Money arising from the Part so sold from any Incumbrance or Charge, or to relinquish their Claim on such Money in respect thereof, without impairing or affecting such Incumbrance or Charge as to the remaining Part of the Land or Lease originally charged; and the Court, where it shall think fit, may invest or provide for the Investment of Money to meet any annual or periodical Charge, or any other Charge, Incumbrance, or Interest, where by reason of such Charge, Incumbrance, or Interest, being contingent or otherwise, it shall appear to the Court proper or expedient so to do, and otherwise may make such Orders and Directions for applying the Money arising from any Sale in such Manner as will secure the convenient Application thereof for the Benefit and according to the Rights of the Parties interested in the Land or Part thereof from the Sale of which the same shall have arisen.

No Payment, not being in full, to affect Right of Incumbrancer for Balance, and no Payment in respect of any Incumbrance to impair Remedy over. 12 & 13 Vict. c. 77. s. 33.

LXVIII. Provided always, That no Payment under this Act towards Discharge of what shall be due on any Incumbrance or Charge, not being Payment in full, shall prejudice or affect any Right or Remedy of the Incumbrancer or the Person entitled to the Charge in respect of the Balance, otherwise than against the Land, or Part thereof, sold under this Act; and no Payment under this Act for or in respect of any Incumbrance or Charge shall impair any Right or Equity of any Persons out of whose Estate such Payment shall be made to be reimbursed or indemnified by any Person or out of any other Land or Estate, except so far as the Court under any special Circumstances shall order.

Power to Court to order Money to be paid into Court of Chancery. 12 & 13 Vict. c. 77. s. 35.

LXIX. Where any Money arising from a Sale under this Act is not immediately distributable, or the Parties entitled thereto cannot be ascertained, or where from any other Cause the Court may think it expedient for the Protection of the Rights and Interests therein, the Court, at its Discretion, may order such Money, or any Stocks, Funds, or Securities in which the same may have been invested under this Act, to be transferred to the Account of the Accountant General of the High Court of Chancery, or (where the Case may require) of the High Court of Chancery in England, in the Matter of the Parties interested in the same, to be described as the Court shall think fit and direct, in trust to attend the Orders of such Courts respectively, and the Court may by its Order declare the Trust affecting such Money, Stocks, Funds, or Securities, so far as it may have ascertained the same, or state (for the Information of the respective Courts) the

the Facts or Matters found by it in relation to the Rights and Interests therein, and the High Court of Chancery, Lord Chancellor, and Master of the Rolls in England and Ireland respectively, may make such Orders and give such Directions in relation to any such Moneys, Stocks, Funds, or Securities as shall be so transferred to the Account of the Accountant General of such respective Court, as such Court or Judge respectively might make or give in relation to any Trusts, Moneys, Stocks, or Securities paid in, transferred, or deposited under the Act passed in the Eleventh Year of Her Majesty, 11 Vict. c. " for better securing Trust Funds, and for the Relief of Trustees," or the Act of the Eleventh and Twelth Year of the Reign of Her Majesty, for extending to Ireland the said Act of the Eleventh Year of Her Majesty, respectively; and no Money transferred into the Name of the Accountant General of the Court of Chancery in Ireland, or paid out under this Provision under any Order of the Lord Chancellor or Master of the Rolls, shall be liable to Ushers Poundage.

Lands included in different Applications, and different Interests in the same Lands, may be included in the same Sale.

LXX. Where there shall be separate Applications to the Court for Sales under this Act of any Land and of any Lease in the same Land, or there shall be such Applications for Sales of different undivided Shares of any Land or Lease, it shall be lawful for the Court, where they shall see fit so to do, to include, with the Consent of the Persons by whom such respective Application may be made or prosecuted, and of any other Persons whose Consent the Court may under the Circumstances think fit to require in the same Sale, upon such Terms as they think fit, such Land or Lease, or such Leases, or such several undivided Shares as aforesaid; and where there shall be separate Applications for Sales under this Act of any Land, and of any Lease in other Land, or if different Lands or Leases in different Lands, it shall be lawful for the Court where, from the Lands being intermixed, or from other Circumstances, it shall appear to them convenient so to do, to include with such Consent as aforesaid such Land or Lease, or Lands or Leases, in the same Sale, upon such Terms as it may think fit; and where any Land, or Part thereof, subject to any Incumbrance, is proposed or ordered to be sold under this Act, it shall be lawful for the Court, upon the Application of the Owner of any Lease or Under-lease, or Estate in Reversion, or other Estate or Interest whatsoever in the same Land, (and although such Lease, Under-lease, Estate in Reversion, or other Estate or Interest be not subject to any Incumbrance, or would not, if subject to any Incumbrance, be subject to be sold under an Order of the Court under the Provisions herein-before contained,) or upon the Application of any Incumbrancer on any such Lease, Under-lease, Estate, or Interest, to include the same, upon such Terms as they may 12 & 13 Vict. c. 77. s. 36.

see fit, in the Sale of the Land or Lease, or Part thereof, so proposed or ordered to be sold as aforesaid; and all the Provisions of this Act applicable to any Land subject to any Incumbrance, and ordered to be sold under this Act, and to any Incumbrance or Charge upon such Land, and the Purchase Money arising from the Sale thereof, and to the Conveyance or Assignment thereof, shall, so far as Circumstances admit, extend and be applicable to every such Lease, Under-lease, Estate in Reversion, or other Estate or Interest to be so included in the Sale; and in every such Case as aforesaid the Judge shall apportion the Purchase Money and Expenses as he shall see fit.

If Land sold be subject to a Lease, &c. comprising other Land, or if Part of Lease in perpetuity, &c. be sold, Court may apportion the Rent.

12 & 13 Vict. c. 77. s. 37

LXXI. If any Land to be sold under this Act shall be subject to a Lease or Under-lease for Years or Lives comprising other Land at an entire Rent, it shall be lawful for the Court to apportion the Rent between the Land to be sold and the Remainder of the Land subject to such Rent; and where it is intended to sell under this Act a Part only of any Lease in perpetuity or other Lease, it shall be lawful for the Court, where it shall think fit, and (having regard to the Rights and Interests of the Owner of the Reversion) it shall appear to the Court just so to do, to apportion the Rent reserved by such Lease between the Land to be sold and the Remainder of the Land; and the Court shall direct Notices of any such intended Apportionment as aforesaid to be given to such Persons and in such Manner as it shall think fit, and shall hear such Parties as shall apply to them in relation thereto; and after such Apportionment, and after the Sale shall be completed, the Owners of the Reversion in the respective Lands shall have the like Remedies for the apportioned Rents against the Lands out of which the same shall be payable, and the Owners and Occupiers thereof respectively, as were subsisting for the entire Rent before such Apportionment, and all the Covenants, Conditions, and Agreements of every Lease or Under-lease, except as to the Amount of Rent to be paid, shall, as regards the apportioned Parts, remain in force in the same Manner as they would have done in case no such Application had taken place: Provided always, that the Enactment in this Section shall be deemed to apply to any Rent reserved upon a Lease, where the Court shall have sold or shall sell the Reversion expectant upon such Lease at different Times or in different Lots.

Provisions for Persons under Disability.

12 & 13 Vict. c. 77. s. 38.

LXXII. Where any Person who (if not under Disability) might have made any Application, given any Consent, done any Act, or been Party to any Proceedings under this Act, shall be a Minor, Idiot, Lunatic, or married Woman, the Guardian, Committee of the Estate, and Husband respectively of such Person may make such Applications, give

give such Consents, do such Acts, and be Party to such Proceedings as such Persons respectively, if free from Disability, might have made, given, done, or been Party to, and shall otherwise represent such Person for the Purposes of this Act; but a married Woman entitled for her separate Use (with or without Power of Anticipation) shall, for the Purposes of this Act, be deemed a Feme Sole: Provided always, that where there shall be no Guardian or Committee of the Estate of any such Person as aforesaid being infant, idiot, or lunatic, or where any Person, the Committee of whose Estate, if he were an Idiot or Lunatic, would be authorized to act for and represent such Person under this Act, shall be of unsound Mind, or incapable of managing his Affairs, but shall not have been found idiot or lunatic under an Inquisition, it shall be lawful for the Court to appoint a Guardian of such Person, for the Purpose of any Proceedings under this Act, and from Time to Time to change such Guardian; and where the Court sees fit it may appoint a Person to act as the next Friend of a married Woman for the Purpose of any Proceeding under this Act, and from Time to Time remove or change such next Friend.

Court may obtain Assistance of Accountants, Merchants, &c. 15 & 16 Vict. c. 30. s. 42.

LXXIII. It shall be lawful for the said Court or any Judges thereof, in such Way as they may think fit, to obtain the Assistance of Accountants, Merchants, Engineers, Actuaries, or other scientific Persons, the better to enable such Court or Judge to determine on any Matter at issue in any Case or Proceeding.

Fees to such Accountants, &c. 15 & 16 Vict. c. 80. s. 43.

LXXIV. The Allowance in respect of Fees to such Accountants, Merchants, Engineers, Actuaries, or other scientific Persons shall, unless the Court or a Judge shall have given any special Direction in regard of the same, be regulated by the Taxing Officer of the Court, subject to an Appeal to the Judge to whose Court this Matter shall be attached, whose Decision shall be final.

Proceedings not to abate by Death. 12 & 13 Vict. c. 77. s. 39.

LXXV. Proceedings under this Act shall not abate or be suspended by any Death or Transmission, or Change of Interest, but in any such Case of Death or Transmission, or Change of Interest, it shall be lawful for the Court, where it shall see fit, to require Notices to be given to Persons becoming interested, or to make any Order for discontinuing, suspending, or carrying on the Proceedings or otherwise in relation thereto, which to it may appear just.

Costs. 12 & 13 Vict. c. 77. s. 40.

LXXVI. In every Proceeding under this Act the Court shall have full Power and Discretion as to the giving or withholding Costs and Expenses, and as to the Persons by whom and the Funds out of which the same shall in the first instance or ultimately be paid, repaid, and

borne, and shall and may apportion the same amongst such Parties, and in respect of Interest, Rents, or Income, and Principal or Corpus, as it shall see fit.

Costs of Petition for a Sale. 16 & 17 Vict. c. 64. s 12.

LXXVII. Provided always, That in the Case of any Petition for a Sale the Costs of the Petitioner in respect of such Petition and of any Proceedings thereunder shall not (unless the Judge shall otherwise direct), be payable out of the Proceeds otherwise than in the same Order of Priority in which the Incumbrance of the Petitioner shall be payable; and provided also, that where a Judge shall not order Costs to be paid by a Party unsuccessfully making or resisting an Application to the Court, such Judge shall state on the Face of the Order the Reason why such Costs have been withheld.

On Application for Sale of an undivided Share, or after Sale, Court may, on Application of Party interested, and giving Notices and hearing Parties, make Order for a Partition. 12 & 13 Vict. c. 77. s. 43.

LXXVIII. Where an Application shall be made for a Sale under this Act of an undivided Share of any Land, or where any such undivided Share shall have been sold under this Act, and, either before or after the Conveyance or Assignment thereof under this Act, the Court, on the Application of any Party interested in such undivided Share, or of the Purchaser, (as the Case may be,) and after causing to be given such Notices to the Owner or Owners of the other undivided Share or Shares of the same Land or Lease as it may think fit, and hearing such Parties interested in the respective Shares as may apply to it, and making or causing to be made such Inquiries as may enable it to make a just Partition, may, if it shall think fit, make an Order under its Seal for the Partition of such Land; and in such Order, or in a Map or Plan annexed thereto, shall be shown the Part allotted in Severalty in respect of each of the undivided Shares in such Land; and the Court shall have the like Authorities, Jurisdiction, and Power in relation to such Partition under the Direction of such Court; and the Part so allotted in Severalty in respect of each such undivided Share by such Order for Partition as aforesaid shall, without any Conveyance or other Assurance in relation thereto, go and enure to and upon the same Uses and Trusts, and be subject to the same Conditions, Charges, and Incumbrances, as the undivided Share in respect of which the same is so allotted would have stood limited or been subject to in case such Order had not been made; and the like Order for a Sale of the Part allotted in respect of the undivided Share to which the Application for the Sale shall relate may be made (where the Order for Partition is made before the Sale), and the like Proceedings had in relation to such Sale, and the like Conveyance or Assignment may be made of the Part allotted in respect of the Share sold (where the Order for Partition is made after Sale, and before Conveyance or Assignment), and with the like Consequences in the several Cases

Cases aforesaid, as if the Application for a Sale, or the Sale, (as the Case may be,) had been in respect of the Part so allotted as aforesaid; and where any Land or Lease, or Part thereof, to be sold under this Act, is subject to any Lease, Under-lease, or Tenancy under which the Lessees, Under-lessees, or Tenants hold jointly, or as Tenants in Common, it shall be lawful for the Court, on the Application of any such Lessee, Under-lessee, or Tenants, and after causing to be given such Notices as it may think fit, and hearing such Parties as may apply to it, and making such Inquiries as it may think necessary, to make an Order under its Seal for the Partition, as between such Lessees, Under-lessees, or Tenants, of the Land included in their Lease, Under-lease, or Tenancy, and for the Apportionment of the Rent reserved or payable under such Lease, Under-lease, or Tenancy; and after such Order of Partition the Owner of the Reversion in the respective Parts of the Land shall have the like Remedies for the apportioned Rents against the respective Parts out of which the same shall be payable, and the Lessees, Under-lessees, or Tenants holding such respective Parts under such Lease, Under-lease, or Tenancy, and such Order of Partition, as were subsisting for the entire Rent before such Partition and Apportionment; and all the Covenants, Conditions, and Agreements of every such Lease, Under-lease, or Tenancy, except as to the Amount of Rent to be paid, shall, as regards the respective Parts allotted on such Partition, and the apportioned Parts of the Rent, remain in force as against the respective Lessees, Under-lessees, or Tenants to whom under such Partition such respective Parts shall be allotted.

On Application for Sale, or after Sale, Court, on Application of Party interested, and with Consent, may make Order for Exchange. 12 & 13 Vict. c. 77. s. 44.

LXXIX. Where an Application shall be made for a Sale under this Act of any Land or Part thereof, or where the same shall have been sold under this Act, and either before or after the Conveyance or Assignment thereof under this Act, if Application be made to the Court by any Party interested in such Land, or by the Purchaser, (as the Case may be,) for the Exchange of all or any Part of such Land for other Land which the Owner thereof may be willing to give in Exchange, the Court may make or cause to be made such Inquiries as they think fit, for ascertaining whether such Exchange would be beneficial to the Person interested in the respective Lands, and cause such Notices to be given to Parties interested in the respective Lands, as it may think fit; and if, after making such Inquiries, and hearing such Parties interested in the respective Lands as may apply to them, the Court shall be of opinion that such Exchange would be beneficial, and that the Terms thereof as proposed, or as modified by it, with the Consent of such Owner as aforesaid, are just and reasonable, the said Court may make an Order under their Seal for such Exchange accordingly, and in such Order for Exchange,

or in a Map or Plan annexed thereto, shall be shown the Lands given and taken in Exchange respectively under such Order; and the Land taken upon such Exchange under such Order shall, without any Conveyance or other Assurance in relation thereto, go and enure to and upon the same Uses and Trusts, and be subject to the same Conditions, Charges, and Incumbrances, as the Land given on such Exchange would have stood limited or been subject to in case such Order had not been made; and the like Order for a Sale may be made by the Court in respect of the Land taken in Exchange for any Land to which the Application for a Sale shall relate, (where the Order for Exchange is made before Sale,) and the like Proceedings had in relation to such Sale, and the like Conveyance or Assignment may be made in respect of the Land taken in Exchange for the Land or Part thereof sold, (where the Order for Exchange is made after Sale, and before Conveyance or Assignment,) and with the like Consequences in the several Cases aforesaid, as if applicable for a Sale, or the Sale, (as the Case may be,) had been in respect of the Land taken in Exchange.

Partition may be made of Land where Shares are not subject to be sold under this Act, 12 & 13 Vict. c. 77. s. 45.

LXXX. It shall be lawful for the Court, on the Application of the Owners of the several undivided Shares (not subject to be sold under this Act, or as to which no Proceedings for a Sale under this Act shall be pending,) of any Land in Ireland who shall desire to effect a Partition of such Land, to make or cause to be made such Inquiries as the Court may think fit for ascertaining whether such Partition would be beneficial to the Persons interested in such respective Shares; and in case the Court shall be of opinion that the proposed Partition would be beneficial, and that the Terms thereof are just and reasonable, it shall make an Order under their Seal for such Partition accordingly; and in such Order, or in a Map or Plan annexed thereto, shall be shown the Part allotted in Severalty in respect of each such undivided Share, and the Part so allotted in Severalty in respect of such undivided Share by such Order of Partition shall, without any Conveyance or other Assurance in relation thereto, go and enure to and upon the same Use, and be subject to the same Conditions, Charges, and Incumbrances, as the undivided Share in respect of which the same is so allotted would have stood limited or been subject to in case such Order had not been made.

Exchanges may be made of Lands not subject to be sold under this Act. 12 & 13 Vict. c. 77. s. 46.

LXXXI. It shall be lawful for the Court, upon the Application of the Owner of Lands in Ireland not subject to be sold under this Act, or as to which no Proceedings for a Sale under this Act shall be pending, who shall desire to effect an Exchange of such Lands, to make or cause to be made such Inquiries as the Court may think fit for ascertaining whether such Exchange would be beneficial

beneficial to the Persons interested in the respective Lands; and in case the Court shall be of opinion that the proposed Exchange would be beneficial, and that the Terms thereof are just and reasonable, they shall make an Order under their Seal for such Exchange accordingly; and in such Order for Exchange, or in a Map or Plan annexed thereto, shall be shown the Lands given and taken in Exchange respectively under such Order; and the Land taken upon such Exchange under such Order shall, without any Conveyance or other Assurance in relation thereto, go and enure to and upon the same Uses and Trusts, and be subject to the same Conditions, Charges, and Incumbrances, as the Land given upon such Exchange would have stood limited or been subject to in case such Order had not been made.

Division of intermixed Land not subject to be sold under this Act. 12 & 13 Vict, c. 77. s. 47.

LXXXII. It shall be lawful for the Court, upon the Application of any Number of Persons who shall be separately Owners of Parcels of Land for any Estate in Ireland not subject to be sold under this Act, or as to which no Proceedings for a Sale under this Act shall be pending, so intermixed or divided into Parcels of inconvenient Forms or Quantity that the same cannot be cultivated or occupied to the best Advantage, but forming together a Tract which may be divided into convenient Parcels, and who shall desire to have the whole of such Tract divided into convenient Parcels, to be allotted in lieu of the old Parcels, to make or cause to be made such Inquiries as the Court may think fit, for ascertaining whether such proposed Division and Allotment would be beneficial to the Persons interested in such Lands; and in case the Court shall be of opinion that the proposed Division and Allotment would be beneficial, it shall make an Order for the Division and Allotment thereof accordingly, with a Map or Plan thereunto annexed, in which shall be specified as well the Parcels in which the several Persons on whose Application such Order shall have been made were respectively interested before such Division and Allotment, as the several Parcels allotted to them respectively by such Order; and the Parcels of Land taken under such Division and Allotment shall go and enure to and upon the same Uses and Trusts, and be subject to the same Conditions, Charges, and Incumbrances, as the several Lands which the Persons taking the same shall have relinquished or lost in such Division would have stood limited or been subject to in case such Order had not been made.

Notices of Partitions, Exchanges, and Division to be given. 12 & 13 Vict. c. 77. s. 48.

LXXXIII. Provided always, That in the Case of Land in which no Proceedings for a Sale under this Act shall be pending, no such Order of Partition, or of Exchange, or of Division and Allotment, as aforesaid, shall be made by the Court until such Notices by Advertisement in public Newspaper or Newspapers as the Court shall direct

direct shall have been given of such proposed Partition, Exchange, or Division and Allotment, and Three Calendar Months shall have elapsed from the Publication of the last of such Advertisements; and in case before the Expiration of such Three Calendar Months any Person entitled to any Estate in or to any Charge upon any Land included in such proposed Partition, Exchange, or Division and Allotment, shall give Notice in Writing to the Court of his Dissent from such proposed Partition, Exchange, or Division and Allotment, (as the Case may be,) the Court shall not make an Order for such Partition, Exchange, or Division and Allotment, unless such Dissent shall be withdrawn, or it shall be shown to the Court that the Estate or Charges of the Party so dissenting shall have ceased, or that such Estate or Charges is not an Estate or Charge in respect of which he would be entitled in Equity to prevent such Partition, Exchange, or Division and Allotment; but no such Order as aforesaid shall be in anywise liable to be impeached by reason of any Infirmity of Estate or Defect of Title of the Persons on whose Application the same shall have been made.

Conveyances, Assignments, and Orders for Partition, Exchange, or Division and Allotment, conclusive. 12 & 13 Vict. c. 77. s. 49.

LXXXIV. Every Conveyance, Assignment, and Declaration respectively executed as required by this Act and every Order for Partition or for Exchange, or for Division and Allotment, made by the Court under its Seal, shall for all Purposes be conclusive Evidence that every Application, Proceeding, Consent, and Act whatsoever which ought to have been made, given, and done previously to the Execution of such Conveyance, Assignment, or Declaration, or the making of such Order respectively, has been made, given, and done by the Persons authorized to make, give, and do the same; and no such Conveyance, Assignment, Declaration, or Order shall be impeached by reason of any Informality therein.

Court not to be restrained by Injunction. 12 & 13 Vict. c. 77. s. 50.

LXXXV. The Court shall not be subject to be restrained in the Execution of its Powers under this Act; nor shall any Person be restrained from making Application under this Act to the Court, or doing any other Act or giving any Consent under the Provisions of this Act, by Order or Injunction of a Court of Equity, or by Writ of Prohibition; nor shall the Court be required by Writ of Mandamus to do any Act or take any Proceedings under this Act; nor shall Proceedings before them be removed by Certiorari; and the Judge of the Court shall not, nor shall any Person acting under the Order or Authority of them or any of them, be liable to any Action, Suit, or Proceeding for or in respect of any Act or Matter bonâ fide done or omitted by them respectively in the Exercise or supposed Exercise of the Powers of this Act.

LXXXVI. Where

Rights of Purchaser against Tenants. 16 & 17 Vict. c. 64. s. 5.

LXXXVI. Where any Conveyance or Assignment has been made before the passing of this Act by the Commissioners for the Sale of Incumbered Estates in Ireland, or shall hereafter be made by the Court, subject to any Lease, Under-lease, or Tenancy, such Conveyance or Assignment shall be deemed to afford conclusive Proof that the Estate or Interest purporting to be conveyed or assigned thereby is the Reversion expectant upon such Lease, Under-lease, or Tenancy; and it shall not be necessary, in any Action arising out of or connected with such Lease, Under-lease, or Tenancy, or in any Pleadings in such Action, to allege or prove the Title of such Reversion prior to the said Conveyance or Assignment; and the Person to whom such Conveyance or Assignment is made, his Heirs, Executors, Administrators, and Assigns, and every of them, shall and may have and enjoy the like Advantages against the Lessees, Under-lessees, and Tenants, their Heirs, Executors, Administrators, Assigns, and Under-tenants, and against all other Persons in possession or occupation of the Land comprised in such Conveyance or Assignment, by Distress or by Entry for Nonpayment of Rent, or for doing of Waste or other Forfeiture, and also shall and may have and enjoy like Advantages and Remedies by Action for not performing other Conditions, Covenants, and Agreements contained in such Lease or Under-lease, or in the parol Agreement for such Tenancy, against the said Lessees, Under-lessees, and Tenants, their Heirs, Executors, Administrators, and Assigns, as the Person granting such Lease or Under-lease, or as the Landlord entering into the Agreement for such Tenancy, or his Heirs, Executors, Administrators, or Assigns, ought to have had and enjoyed at any Time or Times, in like Manner and Form as if the Reversion in such Land expectant on such Lease, Under-lease, and Tenancy had remained or continued in such Person granting such Lease or Under-lease, or as Landlord entering into such Agreement.

Duty payable on Proceedings.

LXXXVII. A Duty shall be levied upon every Estate which shall be sold or conveyed under this Act, or of which a Partition, Exchange, or Division shall be made by the Court, where no Sale is to be effected by the Court, or of which the Title shall be verified by Declaration under this Act as aforesaid; and such Duty shall be payable, in the Proportion herein-after mentioned, according to the Value of such Estate; and such Value shall, when the Estate shall be sold or conveyed, be estimated by the bonâ fide Purchase Money, and where the Court shall make a Partition, Exchange, or Division of Land, or shall verify the Title thereof by Declaration as aforesaid, the Value of such Estate shall be ascertained by such Means as shall be settled

by a General Order of the Court; and such Duty shall be the First Charge upon the Purchase Money, and, where there shall be no Sales, the Duty shall be a First Charge upon the Estate conveyed, or the Estate being the Subject of such Declaration of Title as aforesaid, or the Estates which shall be the Subject of such Exchange, Partition, or Division as aforesaid; and Payment of such Duty shall be enforced by such Method as shall be determined by any General Order of the Court for that Purpose; and such Duty shall be paid so as to become and form Part of the Consolidated Fund of Great Britain and Ireland in such Manner as shall be determined by General Order of the Court, to be approved by the Commissioners of Her Majesty's Treasury:

Rate of Duty.

That the Rate of such Duty shall be Ten Shillings upon every Hundred Pounds of the gross Value of the Estate or Estates which shall form the Subject of each Application to the Court, or Reference from the Courts of Chancery or Bankruptcy and Insolvency respectively, where such Value shall be less than Ten thousand Pounds, and One Pound upon every Hundred Pounds of such gross Value, where such Value shall amount to Ten thousand Pounds or upwards.

Clause E. Power to Commissioners of the Treasury to invest unproductive Cash. 4 & 5 Will. 4. c. 78.

LXXXVIII. Whereas it has been found that a large Sum in Cash, the Produce of the Sales under the Court for the Sale of Incumbered Estates in Ireland, has from Time to Time been lying unproductive in the Bank of Ireland: And whereas there is Reason to expect that a large Sum in Cash, the Produce of future Sales under the Court hereby constituted, will be unproductive, unless the same shall be rendered profitable in the Manner herein-after provided: Be it therefore enacted, That it may be lawful for the Commissioners of Her Majesty's Treasury, at their Discretion, to make such Arrangements, from Time to Time, as to them shall seem expedient, for the Investment in Public Securities of so much as they may think fit of the Cash, being the Proceeds of Sales lodged in the Bank of Ireland under the Provisions of this Act, as in their Opinion may not be required to meet the Payments or special Investments which may from Time to Time be ordered by the Court, or, if the said Commissioners shall think fit, it shall be lawful for them, at their Discretion, to make such other Arrangements with the said Bank as they may deem expedient for rendering such Cash, or such Part thereof as aforesaid, productive; and the Dividends, Interest, or other annual Proceeds derived from such Public Securities, or from any other Arrangements with the said Bank, shall be paid and form Part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland: Provided that if at any Time the whole or any Part of the Securities in which such Cash may be so invested shall be wanted to answer any of the Demands of the Parties entitled thereto in

in the several Matters pending in the said Court, then and in such Case the said Commissioners, on the Certificate from the Court of such Want, may direct such Securities or any Part thereof to be disposed of, in order that such Parties may at all Times be paid their respective Demands out of the Cash in the said Bank.

Persons swearing falsely to be punished for Perjury.

LXXXIX. Every Person who, upon Examination upon Oath, Affirmation, or Declaration before the Court or any of the Judges thereof, or any Person appointed and authorized under this Act by the Court, or by any General or Special Order thereof, to administer such Oath, Affirmation, or Declaration, shall wilfully give false Evidence, and every Person who shall wilfully swear, affirm, or declare falsely in any Affidavit authorized under this Act to be received in Evidence by the Court, shall be liable to the Pains and Penalties of Perjury.

Act only to extend to Ireland.

XC. This Act shall, except as far as the special Provisions of the same otherwise require, extend only to Ireland.

SCHEDULE E.

SCHEDULE A.

FORMS OF CONVEYANCE on Sales by the Court [*which may be used with such Variations as the Circumstances may appear to the to require*].

I, *A.B.*, One of the Judges of the "Landed Estates Court, Ireland," under the Authority of an Act passed in the Year of the Reign of Queen Victoria, intituled [*here set forth the Title of this Act*], in consideration of the Sum of by *E.F.* of *&c.* paid into the Bank of Ireland [*or other Bank, as the Case may be*], to our Account, to the Credit of , do grant unto the said *E. F.* all [*here describe the Premises to be sold*], to hold the same unto the said *E. F.*, his Heirs and Assigns [*or, in the Case of a Chattel Interest in a Lease*, his Executors, Administrators, and Assigns] for ever, [*or* for the unexpired Term created by a certain Lease, *describing the Lease, as the Case may be,*] subject to [*here specify, where the Sale is made subject thereto, the Tenancies, Leases, Under-leases, or Charge, either by Reference to a Schedule or otherwise*].

In witness whereof, I, the said *A.B.*, have hereunto set my Hand and the Seal of the said Court, this Day of in the Year of our Lord .

A. B.

(*Seal of the Court.*)

The Certificate of Payment to be endorsed on or written at the Foot of the Conveyance or Assignment may be in the following Form:—

I certify that the within [*or* above] mentioned Sum of was paid in the Bank of or to the Account and Credit within [*or* above] mentioned, on the Day of

A. B.

(*Seal of the Court.*)

Sale and Transfer of Land (Ireland).

A

BILL

[AS AMENDED IN COMMITTEE]

To facilitate the Sale and Transfer of Land in Ireland.

(*Prepared and brought in by*
Mr. Attorney General for Ireland, Mr. Secretary Walpole, Lord Naas, and Mr. Solicitor General)

Ordered, by The House of Commons, *to be Printed,*
4 *June* 1858.

[Bill 105.]

Under 6 *oz.*

Sale and Transfer of Land (Ireland) Bill.

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT.]

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Sale to be had under Control of Court either by Public Auction or by Private Contract; Conveyance by Judge; 54.

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Court may include Arrears of Rent in Sale of Land; 57.

Where Sale of undivided Share, the Court may include the other undivided Share at the Instance of its Owner; 58.

Court may order Conversion of Leaseholds in Perpetuity into Fee Farm; 59.

Conveyance to Purchaser to pass Fee, subject to Tenancies, but discharged from all Estates and Incumbrances; Conveyance of a Lease, Rentcharge, Annuity, or partial Estate to pass Estate created by the Instrument purporting to grant same; 60.

Conveyance, &c. not to affect certain paramount Charges; Power to redeem Crown Rent, &c.; 61.

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No Payment, not being in full, to affect Right of Incumbrancer for Balance, and no Payment in respect of any Incumbrance to impair Remedy over; 68.

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Lands included in different Applications, and different Interests in the same Land, may be included in the same Sale; 70.

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On Application for Sale of an undivided Share, or after Sale, Court may, on Application of Party interested, and giving Notices and hearing Parties, make Order for a Partition; 78.

On Application for Sale, or after Sale, Court, on Application of Party interested, and with Consent, may make Order for Exchange; 79.

Partition may be made of Land where Shares are not subject to be sold under this Act; 80.

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(Ireland.)

A

B I L L

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

TO

Facilitate the Sale and Transfer of Land in Ireland.

[Note.—*The Clauses marked* A. *to* E. *were added in Committee, and Clause* F. *on Re-commitment.*]

WHEREAS an Act was passed in the Session of Parliament holden in the Twelfth and Thirteenth Years of the Reign of Her present Majesty, intituled "An Act further to facilitate the Sale and Transfer of Incumbered Estates in Ireland:" And whereas a certain other Act was passed in the Session of Parliament holden in the Fifteenth and Sixteenth Years of the Reign of Her Majesty, intituled "An Act to continue the Powers of applying for a Sale of Lands under the Act for facilitating the Sale and Transfer of Incumbered Estates in Ireland:" And whereas a certain other Act was passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of the Reign of Her Majesty, intituled "An Act for continuing and amending the Act for facilitating the Sale and Transfer of Incumbered Estates in Ireland:" And whereas a certain other Act was passed in the Session of Parliament holden in the Eighteenth and Nineteenth Years of the Reign of Her Majesty, intituled "An Act to extend the Period for applying for a Sale under the Acts for facilitating the Sale and Transfer of Incumbered Estates in Ireland:" And whereas a certain other Act was passed in the Session of Parliament holden in the Nineteenth and Twentieth Years of the Reign of Her Majesty, intituled "An Act

Preamble.

12 & 13 Vict. c. 77.

15 & 16 Vict. c. 77.

16 & 17 Vict. c. 64.

18 & 19 Vict. c. 73.

19 & 20 Vict. c. 67.

" Act to extend the Period for applying for a Sale under the Acts " for facilitating the Sale and Transfer of Incumbered Estates in " Ireland, and to amend the said Acts:" And whereas it is expedient to create a permanent Court for the Sale and Transfer of Land in Ireland, whether the same shall be incumbered or unincumbered, and to invest the said Court with other and more extensive Powers than those conferred by the said recited Acts: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Construction of Terms, &c.

I. In the Construction of this Act (except where the Context or other Provisions of this Act require a different Construction),

"Land."

The Word "Land" shall include and extend to Manors, Advowsons, Rectories, Messuages, Tithes, Lands, Tenements, Rents, Annuities charged on Lands and Hereditaments of any Tenure, or any Estate therein, partial, derivative, or otherwise, and whether such Land be held as Freehold or Chattel, or held by Lease, or whether subject to any Fee-farm or other perpetual Rent, with or without the Condition of Re-entry for securing the same or otherwise, or whether corporeal or incorporeal, and whether a divided or undivided Share;

"Estate."

And the Word "Estate" shall include and extend to an Estate in Equity as well as at Law, and to an Equity of Redemption, and to the Benefit of any Covenant or Contract for or Right of Renewal, and whether this Land be held in Fee Simple or for any lesser Estate, or held by Lease;

"Lease."

And the Word "Lease" shall include an Agreement for a Lease, and the Estate or Interest created or agreed to be created by such Lease or Agreement in the whole or in any Part of the Land therein comprised;

"Lease in Perpetuity."

And the Expression "Lease in Perpetuity" shall mean any Lease or Grant for One or more Life or Lives, with or without a Term of Years, or determinable upon the Expiration of any given Term of Years, or for Years determinable on One or more Life or Lives, or for Years absolute, with a Covenant or Agreement in any of such Cases, whether in the same or any other Instrument, for the perpetual Renewal of such Lease or Grant, whether such Lease shall be derived out of the Inheritance or by way of Under-lease out of any other Lease or Estate;

"Owner."

The Word "Owner," as applied to Land, shall include any Person beneficially entitled in possession to an Estate in Fee Simple or Fee Tail, or quasi Fee Tail, or for any lesser, partial, or derivative or other Estate, Freehold or Chattel, at Law or in Equity,

Equity, or any Person entitled to such Estate as a Trustee for Sale;

And the Words "Person or Owner" shall extend to a Body Politic or Corporate, as well as to an Individual; "Person or Owner."

And the Word "Judge" shall mean One of the Judges of the "Landed Estates Court, Ireland;" "Judge."

And the Expression "the Judge" shall mean the Judge of the said Court before whom the Matter shall be pending of which the Section is conversant; "The Judge."

And the Expression "Commissioners of Her Majesty's Treasury" shall mean the Commissioners of Her Majesty's Treasury for the Time being, or such Members of them as are competent to perform Acts for the said Commission at large, or the Lord High Treasurer for the Time being; "Commissioners of Her Majesty's Treasury."

And the Word "Incumbrance" shall mean any legal or equitable Mortgage in Fee, or for any less Estate, and also any Money secured by a Trust, and also any Legacy, Portion, Lien, or other Charge, whereby a gross Sum of Money is secured to be paid on an Event, or at a Time certain, and also any annual or periodical Charge, which, by the Instrument creating the same or any other Instrument, is made purchaseable on Payment of a gross Sum of Money, and every other Charge upon Land which is deemed an Incumbrance in a Court of Equity, and which a Court of Equity would discharge by a Sale of the Land charged, or by the Appointment of a Receiver over the same; "Incumbrance."

And the Word "Incumbrancer" shall mean a Person entitled to an Incumbrance absolutely, or a Person entitled to the absolute or any partial or lesser Interest in an Incumbrance, or in any Part thereof; "Incumbrancer."

And the Word "Court" shall mean the "Landed Estates Court, Ireland;" and where the Expression "the Court" shall be used in connexion with any Act to be done or Order to be made by the same, it shall mean the Judge of the said Court before whom the Matter referred to shall be pending; "Court."

And the Words "Lord Chancellor" shall mean as well the Lord High Chancellor of Ireland as the Lord Keeper or Lords Commissioners of the Great Seal for the Time being. "Lord Chancellor."

II. A Court is hereby constituted, to be called the "Landed Estates Court, Ireland," with Power to exercise such Jurisdiction and Authority as herein-after provided, and to hold its ordinary Sittings at such Place or Places in the City of Dublin as the Lord Lieutenant of Ireland in Council shall from Time to Time appoint. Title of Court. Place of Sitting.

First Judges of the Court.

III. There shall be Three Judges of the said Court, and Henry Martley, Esquire, Mountifort Longfield, Esquire, LL.D., and Charles James Hargreave, Esquire, shall be and are hereby constituted First Judges of the said Court.

Appointment of future Judges.

IV. It shall be lawful for Her Majesty and Her Successors from Time to Time, when and as often as any Vacancy shall occur in the Office of any of the said Judges of the said Court herein-before named, or of any of their Successors for the Time being, by Death, Resignation, or Removal from Office, by Letters Patent under the Great Seal of Ireland, to appoint a fit Person, being a practising Barrister of at least Fifteen Years standing, who shall have actually practised Fifteen Years in Her Majesty's Superior Courts in Dublin, and shall not, at the Time of his Appointment to such Office, have retired from such Practice, to supply such Vacancy.

Judges to hold Office during good Behaviour.

V. Each of the said Judges herein-before named, and every other Judge hereafter to be appointed by Her Majesty and Her Successors, under the Provisions of this Act, shall hold his Office during good Behaviour: Provided always, that it shall be lawful for Her Majesty to remove any such Judge from his Office upon an Address of both Houses of Parliament.

Oath of Judges.
20 & 21 Vict. c. 79. s. 9.

VI. Every such Judge as aforesaid shall, before executing any of the Duties of his Office, take the following Oath, which the Lord Chancellor of Ireland or the Master of the Rolls for the Time being, is hereby respectively authorized and required to administer:

'I *A. B.* do solemnly and sincerely promise and swear, That I will duly and faithfully, and to the best of my Skill and Power, execute the Office of Judge of the "Landed Estates Court, Ireland." So help me GOD.'

20 & 21 Vict. c. 79. s. 10.

Every such Judge as aforesaid shall have Rank and Precedence with the Puisne Judges of Her Majesty's Superior Courts of Common Law and the Judge of the Court of Probate in Ireland, according to the Date of his Appointment.

Judges not to sit in House of Commons.

VII. No Judge appointed under this Act shall, during his Continuance in such Office, be capable of being elected or of sitting as a Member of the House of Commons.

Court to have a Seal.

VIII. The said "Landed Estates Court, Ireland," shall cause to be made a Seal for their said Court, and shall cause to be sealed therewith all Orders, Conveyances, and other Instruments made by or proceeding from the said Court in pursuance of this Act, and all such

such Orders, Conveyances, and other Instruments, or Copies thereof, purporting to be sealed with the Seal of the said Court, shall be received in Evidence without any further Proof thereof.

Officers.

IX. There shall be One Registrar, One Taxing Officer, One Accountant for said Court; One Examiner for each Judge, and so many Clerks and other Officers for the said Court (save the Office of Master) as the Lord Chancellor of Ireland, with the Sanction of the Commissioners of Her Majesty's Treasury, may from Time to Time think fit.

Officers. 20 & 21 Vict. c. 79. s. 19.

X. Henry Carey, Esquire, the present Secretary to the Court for the Sale of Incumbered Estates, shall be the First Registrar; Richard Augustine Fitz Gerald shall be the First Taxing Officer, and Thomson Seed shall be the First Accountant of the said Landed Estates Court, Ireland; and the several Examiners for the said Judges shall be appointed under the Hand of the said Judges respectively.

Officers to be transferred. 20 & 21 Vict. c. 79. s. 20.

XI. Such of the other Clerks and Officers now employed in the said Court for the Sale of Incumbered Estates shall be transferred to such Situations in the Court hereby created, as the Judges of the said Court, or any Two of them, shall, with the Approbation of the Lord Chancellor, select and appoint as best qualified for such Situations, or, in default of Appointment by them, as the Lord Chancellor himself shall select and appoint.

Appointment of Officers.

XII. The Registrar, Taxing Officer, and Accountant of the said Court hereby constituted, upon the Death, Resignation, or Removal of the Persons respectively appointed or to be appointed from Time to Time to the said Offices, and the Persons to be appointed to any Situation which is of a general Nature in the said Court, and not attached to any particular Office, and every Officer who shall preside in any Office, shall be appointed by Warrant of the Lord Lieutenant, on the joint Recommendation of the Judges of the Court; or, in default of such joint Recommendation, by the Lord Lieutenant at his Discretion; and the Examiners of the said Judges, and other Officers immediately attached to their respective Courts or Chambers, shall from Time to Time be appointed by such Judges respectively for the Time being as such Office shall become vacant, and the several other inferior Officers or Clerks shall, save in the Case of such Transfer as aforesaid, be appointed by the said Judges jointly.

Salaries of Officers.

XIII. There shall be paid to Henry Martley, Esquire, a Salary of Three thousand Pounds a Year; there shall be paid to Mountifort Longfield,

Longfield, Esquire, and Charles James Hargreave, Esquire, a Salary of Two thousand five hundred Pounds a Year each, and to every future Judge of the said Court a Salary of Two thousand five hundred Pounds a Year each; and there shall be paid to the Registrar, Taxing Officer, Accountant, and the several other Officers and Clerks who shall be appointed under the Provisions of this Act, such Salaries as the Commissioners of Her Majesty's Treasury shall approve, upon the Recommendation of the Judges of the said Court, with the Approval of the Lord Chancellor, all which several Salaries shall be payable quarterly.

Certain Officers to hold their Offices during good Behaviour.

XIV. The Registrar, Taxing Officer, Accountant, and Examiners shall hold their Offices during good Behaviour, subject to be removed by the joint Order of the Judges of the said Court, with the Sanction of the Lord Chancellor of Ireland, for some reasonable Cause to be in the said Order expressed, and all other Officers of the said Court shall be removable by the joint Order of the said Judges thereof, with the Sanction of the Lord Chancellor.

Qualification of Officers.

XV. No Person, save such as shall be transferred under the Provisions of this Act, shall be appointed Examiner, Registrar, or Taxing Officer of the said Court who shall not have been a Barrister or Solicitor of at least Six Years standing, unless he shall have filled some Office or Offices in the Court for the Sale of Incumbered Estates or the Court hereby constituted, or some Offices in both Courts, or some Office or Offices in the Court of Chancery for a Period of Five Years.

Officers to act in Person.

XVI. The Registrar, Taxing Officer, Accountant, and Examiners shall execute their respective Offices in Person, and not by Deputy, unless where a Deputy for the Execution of any of such Offices shall be appointed for that Purpose by the Lord Chancellor in the Case of temporary Illness or other unavoidable Accident; and no Officer of the said Court shall, during the Term of his holding such Office, directly or indirectly practise as a Barrister or Attorney, or participate in the Fees of any other Person so practising.

Privilege of Barristers and Solicitors.

XVII. Barristers and Solicitors shall respectively have and enjoy the like Privilege of practising before and be subject to the like Authority of the said Court as they have and enjoy and are subject to in Her Majesty's High Court of Chancery, or the Court for the Sale of Incumbered Estates in Ireland.

XVIII. The

Salaries of Judges and Officers.

XVIII. The Salaries payable to the Judges of the said Court under this Act shall be issued and payable out of and charged upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and the Salaries payable to the other Officers of the said Court under this Act shall be payable out of such Funds as shall be provided by Parliament for such Purpose, and all such Salaries shall be paid by equal Portions, quarterly, and the first of such Payments, or a proportionate Part thereof to be computed from the Time of the Appointment of such Judge, shall be made on such of the said Days of Payment as shall first happen after the Date of such Appointment and upon the Resignation, Death, or Removal from Office of any such Judge, such Judge, or his Executors or Administrators, shall be paid such proportionate Part of his Salary as shall have accrued from the Times of the Commencement of such Salary, or from the last Day of Payment thereof to the Time of such Resignation, Death, or Removal from Office.

Retiring Pension of Judges.

XIX. Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, may grant unto any Person exercising the Office of Judge of the said Court in pursuance of this Act an Annuity not exceeding Two Thirds of the Salary of such Judge, to commence immediately after the Period when the Person to whom such Annuity shall be granted shall resign the said Office of Judge, and to continue from thenceforth during the natural Life of the Person to whom the same shall be granted; and such Annuity shall be issued and payable out of and charged upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland; and such Annuity shall be paid quarterly by equal Portions, and the first quarterly Payment, or a proportionate Part thereof to be computed from the Time of the Resignation of the said Officer, shall be made on such of the same Days as shall happen next after the Resignation of the said Officer, and the Executors and Administrators of the Person to whom the same Annuity shall be granted as aforesaid shall be paid such proportionate Part of the said Annuity as shall accrue from the Commencement of the last quarterly Payment thereof, as the Case may be, to the Day of his Death: Provided that it shall be lawful for Her Majesty, in and by such Letters Patent, to limit the Duration of Payment of such Annuity or any Part thereof to such Periods of Time during the natural Life of such Person in which he shall not exercise any Office of Profit under Her Majesty, so that such Annuity, together with the Salary and Profits of such other Office, shall together not exceed in the whole the Amount of the Salary of the Office previously held; provided also, that no Annuity granted to any Person having executed the Office of Judge of the said Court under this Act shall be valid unless such Person shall have continued in the

said Office, or in the said Office and the Office of Commissioners for the Sale of Incumbered Estates in Ireland, or in the Office of a Judge in One or more of Her Majesty's Superior Courts, for the Period of Fifteen Years, or shall be inflicted with some permanent Infirmity disabling him from the due Execution of his Office, which shall be distinctly recited in the said Grant.

Retiring Pension of Officers.

XX. Every Registrar, Taxing Officer, Accountant, Examiner, or other Officer, who shall hold Office under the Provisions of this Act, shall be entitled to the like retiring Allowances and upon the same Conditions as by the "Court of Chancery (Ireland) Regulation Act, 1850," are provided in respect of the Offices of the said Court of Chancery; and all the Provisions of the said Act relating to such retiring Allowances shall extend to and include the Officers of the Court hereby created, and their respective Salaries, save that the said retiring Allowances shall be paid out of such Moneys as may be provided by Parliament for that Purpose: Provided that in estimating the Length of Service the Time during which any such Officer shall have filled any Office in the Court of the Commissioners for the Sale of Incumbered Estates in Ireland, or in the Court of Chancery or the Superior Courts of Common Law in Ireland, shall be taken into Account as if such Service had been under this Act; that Stephen Woulfe Flanagan, and the several other Officers of the Court for Sale of Incumbered Estates in Ireland whose Offices have been or shall be abolished, and such Officers as are not to be transferred to the said last-mentioned Court, shall receive such Compensation by way of annual Payment out of such Monies as may be provided by Parliament for that Purpose, as the Judges, with the Assent of the Lord Chancellor, shall recommend, and shall be approved of by the Commissioners of Her Majesty's Treasury.

Compensation to unemployed Officers of the Incumbered Estates Court.

Commencement of the new Court.

XXI. The Authority and Jurisdiction of the "Landed Estates Court (Ireland)" shall commence and take effect from the First Day of November next.

Jurisdiction of Commissioners for Sale of Incumbered Estates to continue until Formation of new Court.

XXII. Every Commissioner, Secretary, or other Officer appointed under the Provisions of the first-recited Act may hold his Office until the said First Day of November, and no longer, unless the Lord Chancellor shall otherwise direct; and all such Applications under the said recited Acts or any of them as are mentioned in Section Eleven of the said thirdly-recited Act of the Sixteenth and Seventeenth Years of Her Majesty, and which are by the said lastly-recited Act of the Nineteenth and Twentieth Years of Her Majesty authorized to be made within Five Years from the Twenty-eighth Day of July One thousand eight hundred and fifty-three, may be made

made before the said First Day of November next; and all Orders and Proceedings by such said Acts or any of them authorized, and which might be made, had, or taken under the same, may be made, had, and taken at any Time before the said last-mentioned Day.

Lord Chancellor to call for a Return of Business before the Commissioners.

XXIII. It shall and may be lawful for the Lord Chancellor to issue an Order directed to each of the Commissioners for the Sale of Incumbered Estates in Ireland requiring him to report to the Lord Chancellor the Number and Titles of Matters pending in his Office, distinguishing those in which Orders for a Sale or for an independent Partition or Exchange have been made, those in which Rentals have been settled, those in which Sales have been had, those in which Deeds have been executed to a Purchaser, and those in which Final Schedules have been ruled, with the Date of the filing of the Petition in each Matter, so far as such Proceedings shall be incident to such Matters, and the Dates of such Acts of the Commissioners in the Progress of such Matters respectively as have been in this Section enumerated; and each Commissioner shall, within such Time after having been served with such Order as shall be named therein, make a Report or Return in conformity to the Terms and Requisition of same.

Judges to make annual Return.

XXIV. At the Termination of each Year after this Act shall come into operation, each Judge shall furnish to Her Majesty's Secretary of State for the Home Department a Return showing the Number and Titles of Matters which shall have been brought into his Chamber during the Year, and of all Matters then pending, distinguishing those which are founded upon original Applications from those referred by the Courts of Chancery and the Court of Bankruptcy and Insolvency, and distinguishing those in which Orders for a Sale or independent Partition or Exchange or for specific Performance or Declarations of Title have been made, and those in which Applications or References have been dismissed or the Title registered, and also the Titles of Matters in which Rentals have been settled, those in which Sales have been had, those in which Deeds of Conveyance have been executed to a Purchaser, and those in which Final Schedules have been settled, together with the several Dates of such Applications or References, and the Dates of such Acts of the Judges respectively as are in this Section enumerated, and the Dates of the filing and Commencement of each Matter respectively, and the said Return shall also state the Sum produced on each Sale; provided that the Form of and Particulars to be contained in such Return may be varied by any General Order of the Court.

All Matters pending before the Incumbered Estates Court to be transferred to the new Court.

XXV. When and so soon as the Court constituted by this Act shall come into operation, all the Matters theretofore pending before the Commissioners for the Sale of Incumbered Estates in Ireland shall thereupon stand transferred to the "Landed Estates Court, Ireland," and be dealt with in that Court in respect of all Orders and Conveyances, and otherwise in the further Prosecution of the same, as if the said Matters had been commenced in the said last-mentioned Court; and all Acts and Orders of the said Commissioners, whether their Powers shall or shall not have expired, shall continue in force, save as herein mentioned; and the Court shall for the Purposes of such Matters have all the Jurisdiction, Power, and Authority possessed by the said Commissioners, as well as those conferred upon the Court by this Act; and all the Rules of Procedure which shall be in force under this Act shall be applied in the future Prosecution thereof, so far as such Rules are capable of being so applied, and if such Rules shall not be found applicable thereto, then such Matters shall be prosecuted according to the Course of Procedure theretofore used before the said Commissioners; and every Appeal previously made to the full Court of the said Commissioners which shall be then pending shall not be heard by them, but shall be prosecuted directly before the Court of Appeal in Chancery; provided that nothing herein contained shall prevent the said Commissioners from giving Judgment in any Case which shall have been heard before them, or shall prevent any of the Parties to such Matter from having an Appeal therefrom to the Court of Appeal in Chancery; and provided that every Proceeding to make absolute a Conditional Order which shall have been made by the Court of the Commissioners for the Sale of Incumbered Estates in Ireland, or by any of them, shall be prosecuted before a Judge of the said Landed Estates Court as if such Order had been pronounced by him; provided also, that nothing herein contained shall operate to prevent the Court from rescinding, vacating, or varying any Acts or Orders of the said Commissioners, as if same had been made or done by the Court itself.

Transfer of Stock and Cash to the Control of new Court

XXVI. When and so soon as the Court constituted by this Act shall come into operation, the Cash and Stock now standing to the Credit of the Commissioners for the Sale of Incumbered Estates in Ireland, or under their Control, or of any Matters then pending before them, shall be transferred to or placed under the Control of "The Landed Estates Court, Ireland," and may be generally transferred or changed to such Names or Credit as the last-mentioned Court shall, by any General Order or Orders or by any Special Order or Orders, from Time to Time direct; and in the meantime it shall be lawful for the several Judges of the Court from Time

Time to Time to make such Orders in relation to any Portion or Portions of such Funds, and draw or make such Orders, or ratify such Drafts or Orders of the Commisssioners in relation to any Portion or Portions of such Funds, as the said Commissioners or any of them could have drawn or ratified before the Time when this Act shall have come into operation, or as such Judges shall be authorized by any General Rule or Order of the Court; and the Accountant of the "Landed Estates Court, Ireland," shall and hereby is authorized and empowered to do any Act which the Accountant of the said Commissioners could have done before this Act shall have come into operation, or such Acts as he shall be authorized to do by any General Rule or Special Order of the Court.

Deeds, Books, &c. to be handed over as Lord Chancellor shall direct.

XXVII. When the Court constituted by this Act shall come into operation the several Officers of the Court of the Commissioners for the Sale of Incumbered Estates in Ireland shall respectively hand over and deliver up all such Deeds, Documents, Books, and Papers as shall be then in their Custody as such Officers, and to such Person or Persons as the Judges of the Court shall by Order direct.

Judges to frame and promulgate Forms of Application, &c. &c. 12 & 13 Vict. c. 77. s. 9.

XXVIII. The said Judges shall frame, and cause to be printed and circulated or promulgated, as they shall see Occasion, Forms of Applications and Directions indicating the Particulars of the Information to be furnished to the Court, on Applications to them under this Act, with reference to Title, Incumbrances, and the Circumstances of the Land, and such other Information as, in the Judgment of the said Judges, may assist them in forming an Opinion on such Application, and also such other Forms and Directions as they may deem requisite or expedient for facilitating Proceedings under this Act.

Judges to frame General Orders. 12 & 13 Vict. c. 77. s. 10.

XXIX. The said Judges, on or before the First Day of November next, shall prepare a Code of General Rules, such as they may think best adapted for regulating the Course of Procedure under this Act, and in relation to the making Investments, and generally for securing the due Execution of the Powers vested in the said Court, and giving Effect to the Provisions and Objects of this Act; but no Fees or Sums shall, under any such General Rule or otherwise, be payable to any Officer or Person appointed under this Act, upon or in respect of any Proceedings under this Act, save in respect of the Copy or Extract of or from any Order, Document, or Proceeding actually required and taken by any Party, such Sum, not exceeding Three Halfpence for every Seventy-two Words, as shall be paid for the making of such Copy or Extract, and the said Court shall authorize to be charged to such Party for the same: Provided always that every such Code of General Rules shall be laid before

the Lord Chancellor of Ireland, and the Lord Chancellor thereupon, with the Assistance of the Lord Justice of Appeal, shall consider the Expediency of such Rules and every of them; and it shall be lawful for the Lord Chancellor, with the Concurrence of the Lord Justice of Appeal, by Order signed by him, to confirm or disallow all or any of such Rules, or to alter or amend, and confirm with such Alterations or Amendment, any of such Rules, or to remit any of such Rules to the said Judges for further Consideration, or to frame any additional Rule or Rules; and every such General Rule or Rules (when the same shall have been so confirmed by Order of the Lord Chancellor) shall be enrolled in the High Court of Chancery in Ireland, and when so enrolled shall be binding on the said Court in the Exercise of its Powers, and shall be of the same Force and Effect as if the same had been enacted by Authority of Parliament: Provided also, that any Rules so confirmed and enrolled as aforesaid may from Time to Time be added to, rescinded, amended, or altered, as Occasion may require, by other Rules made by the Judges for the Time being, and confirmed and enrolled in like Manner; and provided also, that it shall be lawful for any of the Judges of the Court singly to lay any Rule or Rules before the Lord Chancellor which such Judge may think expedient, whereupon the Lord Chancellor may proceed with respect to such Rule or Rules as if the same had been prepared and laid before him by both the Judges of the said Court.

Special Notice to Tenants and Owners of contiguous Lands.

XXX. The Court or Judges thereof, in framing General Orders under this Act, shall have regard to the best Mode of apprizing Tenants on the Estate of the Subject of any Matter or Reference pending before the Court, and of the Nature and Effect of the Proceeding, by causing Notices to be posted on and in the Vicinity of the Lands, and also by Advertisement or otherwise, thereby inviting them to establish their Rights, with a view to have such reserved, and shall also have regard to the best Mode of calling the Attention of Owners of Lands contiguous to those which may be the Subject of any Matter or Reference pending before the Court, to the Boundaries set out in the Maps annexed to the Rental, and shall also have regard to the best Mode of having brought before the Judge a Draft of every proposed Conveyance or Declaration, and of having produced before the Judge such Materials as shall enable him to settle such Conveyance or Declaration in accordance with the Rights of the Tenants and other Parties concerned.

General Orders to be laid before Parliament.

XXXI. Such Code of General Rules as shall be made and confirmed as aforesaid shall be laid before both Houses of Parliament within One Calendar Month from the Enrolment thereof, if Parliament

ment be then sitting, or if Parliament be not then sitting, within One Calendar Month from the Commencement of the next Session of Parliament.

Power of Court to summon and examine Witnesses. 12 & 13 Vict. c. 77. s. 12.

XXXII. It shall be lawful for the Court, by Summons under its Seal, to require the Attendance before One of the said Judges or any Officer of said Court, at a Time and Place to be mentioned in such Summons, of all such Persons as it shall think fit to examine in relation to any Question or Matter depending before the said Court, and to require all such Persons to produce before the said Court or Judge or Officer all Deeds, Books, Papers, Documents, and Writings relating to such Question or Matter, and to examine upon Oath, or, in case of Persons allowed to make Affirmations or Declarations in lieu of an Oath, upon Affirmation or Declaration (as the Case may require), all Persons who shall attend under such Summons, and all Persons who shall voluntarily attend as Witnesses; and it shall be lawful for either of the said Judges or any Officer appointed for that Purpose generally or in the particular Matter to administer such Oath, Affirmation, or Declaration, and every Person required by such Summons so to attend who without reasonable Cause, to be allowed by the said Court, shall fail to appear according to the Tenor of such Summons, or shall refuse to be sworn or to make Affirmation or Declaration (as the Case may be), or shall not make Answer to all such Questions as shall be lawfully put to him on such Examination, or shall refuse or fail to produce before the said Court, Judge, or Officer any such Deed, Book, Paper, Document, or Writing, being in or under his Custody, Possession, or Power, as shall be lawfully required to be produced by him before the said Court, Judge, or Officer, shall for such Default of Appearance, Refusal to be sworn or to make Affirmation or Declaration, or for not answering any such Question as aforesaid, or not producing such Deed, Book, Paper, Document, or Writing, incur and be liable to all such Penalties, Prosecutions, Actions, and Suits as a Person might incur or be liable to for failing to appear or refusing to be sworn or to give Evidence in any Suit or Matter depending in the High Court of Chancery in Ireland; and the said Court, and each of the Judges thereof, shall have the like Powers, Jurisdiction, and Authority for enforcing the Attendance of Persons summoned as aforesaid, for punishing Persons failing to appear or refusing to be sworn or to make Affirmation or Declaration, or to give Evidence, or guilty of Contempt, and generally for enforcing all Orders made by the said Court under any of the Powers or Authorities vested in it under this Act, and otherwise in relation to the Matters to be inquired into and done by them under this Act, as are by Law vested in the High Court of Chancery in Ireland for such Purposes in relation to any Suit or Matter depending in such Court.

Judges may receive Affidavits in Evidence. 12 & 13 Vict. c. 77. s. 13.

XXXIII. Provided always, That the said Court or Judge thereof may, where they or he think fit, receive in Evidence Affidavits; and such Affidavits may be made before any Person empowered to take Affidavits which may be received in Evidence in the Court of Chancery in Ireland, or where they think fit the said Court may, by Order under the Seal thereof, appoint and authorize any Person, either generally or in a particular Matter, to take Affidavits or examine any Witness or Witnesses who shall attend before such Person to be examined in Ireland or elsewhere, in relation to any Application to or Matter pending before the said Court, and to administer Oaths, Affirmations, or Declarations for the Purposes of such Examination; but the Deponent in every such Affidavit shall, on the Application of any other Party interested in the Facts deposed to, be subject to be cross-examined by or on behalf of such other Party orally in open Court, or before any Person appointed to take such Examination, and after such Cross-examination may be re-examined orally in open Court or before such Person appointed as before said.

Examination by Commissioners.

XXXIV. It shall be lawful for the Court to enforce the Attendance of Witnesses, and to have such Witnesses examined and Evidence taken in any Matter pending before it, whether by Commission or otherwise, before such Person or Persons or such Tribunal as under the several Statutes now in force and hereafter to be enacted the Court of Chancery, or Her Majesty's Superior Courts of Common Law in Ireland, may have Evidence taken and received.

Orders of the Court may be enforced in England. 12 & 13 Vict. c. 77. s. 14.

XXXV. Every Order made by the said Court constituted under this Act, a Copy whereof shall be certified under their Seal to the High Court of Chancery in England, may be enrolled in like Manner and enforced by the like Process as an Order for Payment or for accounting for Money made by the High Court of Chancery in Ireland, a Copy whereof is exemplified and certified to the said Court of Chancery in England under the Great Seal of Ireland, may be enrolled and enforced under an Act passed in the Forty-first Year of King George the Third, intituled "An Act for the more speedy and "effectual Recovery of Debts due to His Majesty, His Heirs and "Successors, in right of the Crown of the United Kingdom of Great "Britain and Ireland, and for the better Administration of Justice "within the same."

Court to be a Court of Record. 12 & 13 Vict. c. 77. s. 15.

Powers of Court.

XXXVI. The said "Landed Estates Court, Ireland," shall be a Court of Record, and shall have all the Powers, Authority, and Jurisdiction of a Court of Equity in Ireland, for the Investigation of Title, and for ascertaining and allowing Incumbrances and Charges, and the Amounts due thereon, and settling the Priority of such Charges

Charges and Incumbrances respectively, and the Rights of Owners and others, and generally for ascertaining, declaring, and allowing the Rights of all Persons in any Land in respect of which Application may be made under this Act, or in the Money to arise from Sales under this Act, upon such Applications, and shall have the like Authority and Jurisdiction for enforcing, rescinding, or varying any Contract for Sale made under this Act, and in other Matters incident to or consequent on a Sale under this Act, as are vested in a Court of Equity in relation to a Sale under the Direction of such Court, but the Procedure of the Court in reference to the same shall be according to such General Rules as aforesaid, or when the General Rules shall be inapplicable, at the Discretion of the Court; and the said Court shall have Power, in relation to any Matter or Question before them, to direct Issues of Fact to be tried by a Jury; and, subject to any General Rules as aforesaid, the Acts and Orders of each Judge acting separately shall for all the Purposes of this Act be deemed and taken in relation to all such Inquiries and Matters as the Acts and Orders of the said Court, and so described in the said Orders and in all legal Proceedings.

Power of the Court to state a Case at Law or direct an Issue.

CLAUSE A.

Power to Court to summon a Jury.

19 & 20 Vict. c. 77. ss. 35, 36.

XXXVII. It shall be lawful for the Court to cause any Matter or Question of Fact arising in any Proceeding before them to be tried by a Special or Common Jury before the Court itself; and the Court may make all such Rules and Orders upon the Sheriff, or on any other Person, for procuring the Attendance of a Special or Common Jury for the Trial of such Question or Matter of Fact, as may be made by any of the Superior Courts of Common Law at Dublin, and may also make any other Orders which to the Court may seem requisite; and every such Jury shall consist of Persons possessing the Qualification, and shall be struck, summoned, balloted for, and called in like Manner, as if such Jury were a Jury for the Trial of any Cause of the said Superior Courts; and every Juryman so summoned shall be entitled in the same Rights and subject to the same Duties and Liabilities as if he had been duly summoned for the Trial of any such Cause in any of the said Superior Courts; and every Party to any such Proceeding shall be entitled to the same Rights as to Challenge and otherwise, as if he were a Party to any such Cause, and generally for all Purposes of or auxiliary to the Trial of Question of Fact by a Jury before the Court itself; and in respect of new Trial the Court shall have the same Jurisdiction, Powers, and Authority in all respects as belong to any Superior Court of Common Law, or to any Judge thereof, for the like Purposes: Provided that from any Order made by the Court on an Application made for a new Trial there shall be the same Right of Appeal as from any other Order of the Court: Any Question of Fact which shall be so ordered to be tried

by a Jury before the Court itself shall be reduced into Writing in such Form as the Court shall direct, and at the Trial the Jury shall be sworn to try the said Question, and a true Verdict give thereon according to the Evidence, and upon every such Trial the Court shall have the same Powers, Jurisdiction, and Authority as belong to any Judge of any of the said Superior Courts sitting at Nisi Prius.

Court may rescind or vary its own Orders. 12 & 13 Vict. c. 77. s. 51.

XXXVIII. It shall be lawful for the Court to review and rescind or vary any Order which shall have been previously made by it or by the Commissioners for the Sale of Incumbered Estates, or any of them, but, save as aforesaid, and as herein-after provided, every Order of the Court shall be final.

Proceedings in each Matter to be taken before a single Judge.

XXXIX. Upon each Petition being presented to the said Court, the Subject Matter of the same shall be referred to and become attached before One of the said Judges, according to a Routine to be settled by the General Orders of the said Court, and all Proceedings in reference to the same, save as herein-after provided, shall be taken before the Judge before whom such Matter shall have been so attached, and the Decision of such Judge in the Course of the Proceedings in the said Petition Matter shall not be subject to any other Appeal than that herein-after provided, and every Order of such Judge shall be deemed and taken to be and shall be called the Order of the said Court: Provided always, that nothing herein-contained shall operate to prevent such Judge before pronouncing any Decision, if he shall see fit, from calling in the Aid of One or both of the other Judges of the said Court; provided also, that it may be lawful for any of the Judges of said Court to take up and perform in the whole or Part the Duty of any other Judge of the said Court in relation to any Matter attached or pending before him, where such other Judge shall be ill or absent or his Office be vacant, or for other reasonable Cause.

Appeal from Judges to Court of Appeal in Chancery.

XL. Every Order or Decision of the Judge shall be subject to a direct Appeal to the Court of Appeal in Chancery in Ireland and no other, but such Appeal must be entered within Three Months from the Date of the Decision or Order, or such further Time as the Court shall by special Leave allow, and be thereafter duly prosecuted, otherwise the Decision or Order shall be final; and every Appeal shall be subject to such Regulation in regard to Deposit of Costs as shall be directed by any General Order to be made in pursuance of this Act, and on Hearing of such Appeal the only Evidence to be relied on or admissible shall be such as was given before the Court below, but the said Appeal Court, if it shall think fit, may receive such Evidence, or direct or make any such Inquiry thereon,

thereon, as it shall seem fit, or may direct the Court below to rehear the Case, on such further Evidence as it may be in the Power of either Party to produce; and the Costs of such Appeal shall be in the Discretion of the said Court of Appeal: Provided always, that it may be lawful for said Court of Appeal if it see fit, on special Application for that Purpose, to rehear any Appeal upon which it may already have made an Order, and on such Rehearing to rescind, vary, or add to such Order as to said Court of Appeal may seem just.

Appeal to the House of Lords.

XLI. Any Decision of the Court of Appeal in Chancery from the "Landed Estates Court, Ireland," shall be subject to an Appeal to the House of Lords in like Manner as, and subject to the like Conditions and Restrictions as, apply to or govern, or hereafter from Time to Time shall apply to or govern, Appeals from the Court of Appeal in Chancery to the House of Lords.

Clause B. Owner of Incumbered Estate, or any Incumbrancer, may apply for a Sale. 12 & 13 Vict. c. 77. ss. 16, 17.

XLII. Where any Land in Ireland shall be subject to any Incumbrance, it shall be lawful for any Incumbrancer on such Land, or for the Owner of any Estate therein charged with such Incumbrance, to apply to the Court, under the Provisions of this Act, for the Sale of the Estate in said Land charged with such Incumbrance.

Clause C. Owner of unincumbered Estates may apply for a Sale.

XLIII. In any Case where any Person shall be seised or possessed of any Estate in Land as Owner thereof (save a Trustee, other than a Trustee for Sale,) it shall be lawful for such Person to apply to the Court for the Sale of such Estate under the Provisions of this Act.

Clause D. Incumbrance by Trust Term.

XLIV. Wherever any Incumbrance affecting Land shall be secured by a Trust Term thereof of not less than Ninety-nine Years absolute, of which not less than Sixty Years shall be unexpired, and shall have been created by the Owner of a larger Estate in such Land, whether Freehold or Chattel, such Incumbrance shall for the Purposes of this Act be deemed an Incumbrance upon such larger Estate; and an Incumbrance on Land charged under a Power shall for the Purposes of this Act be deemed an Incumbrance upon the Estate in such Land of the Person who created such Power.

Court to exercise the Jurisdiction of Chancery for Sale of settled Estates under the 19 & 20 Vict. c. 120.

XLV. It shall and may be lawful for any Person who would be authorized under the Act of the Nineteenth and Twentieth Years of Her Majesty, Chapter One hundred and twenty, entitled "An Act "to facilitate Leases and Sales of settled Estates," to make an Application to the Court of Chancery for the Sale of a settled Estate in Land, instead of making such Application to the said Court of Chancery to apply to the Court created by this Act for the Purpose of having the Sale of such settled Estate in the said Lands under the

said last-mentioned Court; and thereupon it shall be lawful for the Court to exercise all the Powers conferred upon the Court of Chancery in relation to Sales of such Nature under the Provisions of the said last-mentioned Act; save that the Judge shall himself execute the Conveyance to the Purchaser under such Sale, and save that such Conveyance shall have the like Operation and Effect, and confer such indefeasible Title to the Purchaser, as if such Sale had been made and such Conveyance had been executed upon an Application for the Sale of an Incumbered Estate under this Act: Provided always, that the Court shall make such Investigation of the Title and Circumstances of the said Lands as the Court shall see expedient, and as in other Cases preliminary to Sales under this Act; provided also, that every Decision and Order in the Course of such Proceeding shall be subject to Appeal to the Court of Appeal in Chancery as in other Cases under this Act.

Vendor or Vendee may apply for an Investigation of Title, and a Conveyance with indefeasible Title.

XLVI. Whenever a Contract for Sale of any Estate in Ireland shall be made, it shall and may be lawful for the Vendor and Vendee jointly, or, if the Contract shall so provide, for the Vendor or Vendee individually, as the Case may be, to present a Petition to the said Court for the Purpose of procuring for the said Vendee an indefeasible Title to the Land so previously sold, and a statutable Conveyance thereof under the said Court to him, and (if necessary) the Court, as incidental to such Proceeding, may make an Order for a specific Performance of such Contract at the Instance of either Party, and thereupon all Investigations of Title and other Proceedings in relation to such Petition shall be similar to those which are and shall be prescribed for Owners applying for the Sale of incumbered or unincumbered Property by the Court as aforesaid, save that no Sale thereof shall be made by the said Court, unless the Petitioner, being the Vendor, shall so desire, with the Consent of the Purchaser, but the Sale or Contract so theretofore made by the Vendor shall be ratified by the said Court, if it shall so think fit, and a Conveyance of such Property so sold shall be executed to the Purchaser by the Judge, and such Conveyance shall have the same Validity and Effect as Conveyances of Incumbered Estates by the Judges under this Act; and it shall and may be lawful for such Court, if necessary, to pay and discharge out of the Purchase Money such Incumbrances as shall appear upon Investigation of Title to be charged upon the Property so sold or contracted to be sold, and for that Purpose to order the Purchase Money into Court: Provided always, that it shall be lawful for the Court, at the joint Instance of the Vendor and Vendee, to substitute any other Person as Purchaser in the Room and Stead of the original Vendee, or to set up the Land for Sale under the Court, and in such Case the Conveyance shall be made by the Judge to

to such substituted or other Purchaser as if the original Application had been for a Sale of the Lands so contracted for.

Incidental Power to enforce specific Performances.

XLVII. In the Matter of every such Application as in the last Section mentioned, the Court, if so required, shall as incident to such Application, exercise and is hereby invested with all the Jurisdiction and Powers at present exercised by the Court of Chancery in respect to specific Performance of Contracts for the Sale of Land, whether the Person seeking for such Relief shall be the Person who shall have made the original Application in the Matter or not.

Where Decree for a Sale in Chancery, Sale to be made by the "Landed Estates Court, Ireland."

So where Sale ordered in Bankruptcy or Insolvency; and Title to be investigated.

XLVIII. Whenever any Order or Decree for a Sale of any Estate of Land in Ireland shall be pronounced by the High Court of Chancery in Ireland, or One of the Masters thereof, or any Judge or Officer of the said Court who, according to the Practice thereof, may make such Decree or Order, and where any Order for Sale of Lands shall be pronounced by a Judge of Her Majesty's Court of Bankruptcy and Insolvency in Ireland, such Sale shall be effected in and by the "Landed Estates Court in Ireland," and not by or under the said Court of Chancery, or the said Court of Bankruptcy and Insolvency, and the Title of such Land shall undergo such Investigation by the "Landed Estates Court in Ireland," preparatory to such Sale, as shall be incident to Sales founded upon Petitions filed in the said last-mentioned Court, and the Conveyance of such Land to the Purchaser thereof shall be executed by a Judge of the said last-mentioned Court, and such Conveyance shall have the like Operation and Effect as Conveyances by Judges of the said Court to Purchasers upon Sales founded upon Petitions to the said Court under this Act: Provided always, that if upon the Representation of the Parties, or on Consideration of the small Value of the Property to be sold, the said Courts of Chancery or Bankruptcy and Insolvency respectively shall not deem it expedient to have such Investigation of Title or Sale or Conveyance by the "Landed Estates Court, Ireland," it shall be lawful for such Courts respectively to retain the Conduct of the said Sale, and otherwise act in relation thereto according to their own Course of Proceeding as if this Act had not been passed.

Application of Purchase Money when Sale in pursuance of Order in Chancery or Bankruptcy.

XLIX. Where Sales shall be effected in and by the "Landed Estates Court, Ireland," of any Lands which had been decreed or ordered to be sold by Decree or Order of the Court of Chancery or any of the Judges, Masters, or other Officers thereof as aforesaid, the Purchase Monies realized by such Sales shall, if the Court of Chancery or Judge or Master thereof shall so direct, be paid into or lodged in the Bank of Ireland to the Credit of the Accountant

General of the Court of Chancery, or otherwise disposed of in such Matter as shall be directed by any General or Special Order of the Court of Chancery, and shall be distributed by such Court according to the Course and Practice thereof as if this Act had not been passed, and as if the Fund so realized had been produced by a Sale directly had by or under the Court in which such Proceedings had been instituted; but when the said Court of Chancery shall not direct such Purchase Monies to be so lodged to the Credit of the Accountant General of the said Court, the same shall be lodged to the Credit of the Court hereby constituted, and abide the Order thereof as if the Sales had been made on an original Application to the same, unless the Court shall deem it expedient to transfer such Fund to the Court of Chancery; and in every Case where a Sale shall be so made by the "Landed Estates Court, Ireland," in pursuance of an Order of the Court of Bankruptcy and Insolvency, the Purchase Money upon the same shall abide the General or Special Orders of the said last-mentioned Court, or which may be in force for the Regulation of the same, or otherwise, as if such Sale had been made directly under the said Court of Bankruptcy and Insolvency, and this Act had not been passed: Provided nevertheless, that if on such Investigation of Title as in the last Section mentioned it shall appear to the Court that the Title is insufficient, and such as the Court ought not and would not sell if the Proceedings had been originally instituted in the "Landed Estates Court, Ireland," the Judge shall refuse to sell, and shall certify and report such Refusal and the Reason thereof to the Court by which such Decree or Order shall have been made, together with such other Matters relating to the Defect in such Title as to the Judge shall seem expedient, but subject to such Appeal as is herein provided from the Orders of the Judge.

Owner may obtain a Declaration of indefeasible Title from Court.

L. Where any Owner of an Estate in Fee Simple in Land in Ireland shall desire to have his Title thereto investigated by the Court, and a Judicial Declaration made thereon that he has a good and sufficient Title to the same, as alleged by him, with view to future Sale, Mortgage, or Registration thereof, or other Objects, it shall be lawful for him to make an Application to the Court for that Purpose, whereupon the said Court shall investigate such Title and give such Notices, by Advertisement or otherwise, as the Court may by General or Special Order direct, and otherwise proceed in like Manner as if a Sale of such Land had been sought by the Owner; and if such Title shall appear satisfactory to the Court, it shall be lawful for the Judge to make and sign a written Declaration to that Effect, which shall be sealed with the Seal of the Court, and shall state, in a Schedule thereto, any Leases, Tenancies, and Incumbrances

Effect of Declaration.

brances to which the Court shall find such Estate subject; and such Declaration so signed, sealed, and registered, as herein-after mentioned, shall have the Effect of making such Title so described in such Declaration (but subject to the Leases, Tenancies, and Incumbrances referred to in such Schedule,) conclusive and indefeasible from the Date of signing thereof by the Judge, in like Manner as same would have been vested in a Purchaser upon a Sale and Conveyance to him by the Court upon an Application to it for a Sale of the said Land; and it shall and may be lawful for such Owner to have such Declaration registered in the Office for the Registry of Deeds in Ireland, which original Declaration the Registrar of such Office is hereby authorized and directed to file as he is now bound by Law to do in respect to Memorials of Deeds, and shall receive such Fees on the Registration of such Declaration as are now chargeable on the Registration of Deeds; and the Registrar shall enter in the Books of the Registry the Name of the Person mentioned in said Declaration as having such Title, and the Name and Description of the Lands therein set forth, and shall refer to same on a Requisition for Searches, in like Manner as he is now bound by Law to enter the Names of Parties and Lands as described in Memorials of Deeds, and make such Return on Requisitions as aforesaid; and the Registrar shall from Time to Time give Attested Copies of such Declarations to any Persons who shall require the same, on Payment of the Fees payable in respect of Copies of Memorials, and such Copies of Declarations shall have all the Effect in Evidence which has been given by any Statute now in force with respect to Memorials of Deeds registered in the said Office: Provided always, that no Registration of such a Declaration shall be permitted by the said Registrar of Deeds, unless the Declaration be lodged with him within One Week from the Date of the Execution thereof by the Judge, and unless an Affidavit of the Execution of the same by such Judge shall be made by a Solicitor presenting the same, which Affidavit the said Registrar is hereby empowered to administer, and any Person swearing falsely in any such Affidavit shall be subject to all the Penalties and Punishment affixed by Law to the Crime of Perjury; and the said Court shall keep a Record of such Declaration in such Form and Manner as shall be provided by a General Order: Provided that if after such Investigation of Title under this Section the Owner may be at liberty, instead of obtaining such Declaration, to have the Land sold and conveyed by the Court, and the Fund realized by such Sale disposed of as if the Application had been originally to that Effect.

Registry of Declaration.

LI. When and so soon as any Application shall be made to the Court for a Declaration of Title under this Act, the First Act of the Court

On Application for a Declaration

of Title the Court shall direct Publication thereof to be made by Advertisement.

Court in reference to such Application shall be to cause Publication thereof to be made by Advertisement in such Manner as the Court shall direct; and when and so soon as the Court shall make a Rule, Order, or Decision as to the Sufficiency of the Title of the Person applying for a Declaration thereof as aforesaid, the Court shall cause such Order or Decision to be published in such Manner as the Court shall direct; and such Declaration shall not be signed by the Judge until after the Expiration of Three Calendar Months from the First Publication hereintofore mentioned, and of One Calendar Month after the Publication of such Rule, Order, or Decision; provided that no Appeal shall lie from the Declaration of Title when signed by the Judge and registered as aforesaid.

Power of Court to sell, and Proceedings thereon. 12 &13 Vict. c. 77. s. 21.

LII. If upon any Application for a Sale, Conveyance to a Vendee, or Declaration under this Act, or the Execution of any Decree or Order for a Sale directed by the Court of Chancery or Bankruptcy and Insolvency in Ireland respectively, or upon any Information or Evidence which may be received by and produced to the Judge in relation to the Matter of such Application or Reference, it shall appear to the Judge that a Sale or Conveyance of the Land to which the Application, Decree, or Order may relate, or any Part thereof, or Conveyance to a Vendee or Declaration of Title may be found expedient, he shall direct Notices to be given to such Persons and in such Manner as he shall think fit, and shall, where any Parties interested in the Land apply to the Court for that Purpose, hear such Parties, by themselves, their Counsel or Solicitors, and shall, so far only as may be necessary to enable him to determine whether, under all the Circumstances, it is expedient that a Sale of all or any Part of the Land should be made, or Conveyance to a Vendee be executed, or a Declaration of Title should be made, investigate the Title and the Incumbrances affecting the Land, and the State and Circumstances of the Land, and, according as it shall seem so expedient to the Judge, it shall be lawful for him, at his Discretion, to make or refuse an Order for the Sale of all or any Part of such Land, or for a Conveyance to such Vendee, or a Declaration of Title accordingly, in manner aforesaid, or if he see fit he may dismiss any original Application in such Matter, or report or certify the Insufficiency of the Title to the Court of Chancery or Court of Bankruptcy and Insolvency in manner aforesaid.

Court to ascertain Tenancies, Right of Common, &c. 12 & 13 Vict. c. 77. s. 23.

LIII. Where a Sale shall be made, or a Conveyance executed, or a Title declared under this Act, the Judge shall, when and so far as he may deem necessary for the Purpose of such Sale, Conveyance, or Declaration, ascertain the Tenancies of the occupying Tenants, and of any Lessees or Under-lessees whose Tenancies, Leases, or Under-leases and other such Rights as aforesaid affect the Land or Part thereof to be

be sold, conveyed, or to be the Subject of such Declaration, and the Rights of Persons claiming Right of Common, Rights of Way, or other Easements in such Lands, and shall also ascertain the Boundaries thereof, and may give such Notices and make or cause to be made such Inquiries as he may think necessary for ascertaining and securing the Rights of such Tenants, Lessees, Under-lessees, or Persons having such Easements as aforesaid, and for ascertaining the Boundaries of such Lands; and all occupying Tenants, and all Persons being or claiming to be Lessees or Under-lessees as aforesaid, or claiming such Right of Common, Right of Way, or other Easement, shall, at such Times and Places as the Judge may by his Notices require, produce all Leases, Under-leases, Agreements in Writing, or Deeds or Instruments under which such Tenant or Person occupy or claim to hold, or such Persons claim such Easements, if such Leases, Under-leases, or Agreements, or Counterparts thereof, or such Deeds or Instruments, be in their Possession or Power, and where they occupy or claim to hold under Leases, Under-leases, or Agreements in Writing not in their Possession or Power, or under parol Agreements or Lettings, they shall deliver, at such Times and Places as aforesaid, Particulars of the Terms and Conditions upon and subject to which they occupy or claim to hold; and such Persons as may claim Right of Common, Right of Way, or other Easements, or who may dispute such alleged Boundaries, shall also in like Manner deliver Particulars of such Rights or such Grounds of Objection to such Boundaries, and shall sustain such Claims or Objections; and the Sale, Conveyance, or Declaration shall be made subject to the Tenancies, Leases, or Under-leases, Rights of Common, Rights of Way, or other Easements, and to such Boundaries, ascertained as aforesaid, and subject to which the Owner, Incumbrancer, or other Person applying for a Sale, Conveyance, or Declaration under this Act shall be Owner or Incumbrancer, and such other of the Tenancies, Leases, and Under-leases, or Easements, ascertained as above, as shall appear to the said Judge to have been granted bonâ fide by the Owner or Person in possession or in receipt of the Rents and Profits, and subject to which it shall appear to the said Judge the Sale, Conveyance, or Declaration should be made, save such (if any) of such respective Tenancies, Leases, and Under-leases as, with Consent as herein-after mentioned, shall be included in such Sale, and where the said Judge shall think fit, be made subject to any Leases, Under-leases, or Tenancies, according to any general Description, or subject to any Condition concerning any Leases, Under-leases, or Tenancies or Easements the Nature of which shall not have been ascertained or shall be disputed; and the Decision of the said Judge in relation to such Claim under Leases or of Easement, or in relation to such Boundaries, shall be

final and conclusive as to all Persons whatsoever, but subject to the Appeal hereby provided from the Orders of the Judges; and when the said Judge shall think fit, such Sale, Conveyance, or Declaration may be made subject to any annual Charge affecting the Land or Part thereof sold, or to any such apportioned Part of such annual Charge as the Judge may think fit should remain charged thereon; and where such Estate in Land or Part thereof is subject to any Incumbrance under the Terms of which the Incumbrancer cannot be required to accept Payment of the Principal Money before the Expiration of a Term of Years unexpired, such Sale or Conveyance may, if the said Judge think fit, be made subject to such Incumbrance; and the Court shall have Power, upon any Application for Sale, whether now pending before the Commissioners for Sale of Incumbered Estates, or to be hereafter made under this Act, to sell and convey any Land subject to any Right, Title, or Estate to or in Dower, Jointure, or Annuity.

Sale may be made subject to annual Charge or Apportionment thereof.

Court may sell subject to annual Charge.

LIV. Where the said Judge shall make an Order for Sale, the Land or Part thereof to which such Order shall relate shall be sold, by or under the Control and Direction of the said Judge, by Public Sale or Private Contract, together or in Lots or Parcels, at such Times and Places and generally in such Manner as the said Judge may think fit, and the Conveyance or Assignment of the Land or Part thereof shall be made by the said Judge under the Seal of the Court, and shall be signed by the said Judge, and the Execution by any other Party shall be unnecessary; and such Conveyance or Assignment shall express or refer to the Tenancies, Leases and Under-leases, Rights of Way, Rights of Common, or other Easement (if any), and Charges (if any), subject to which the Sale is made, and may be in the Form contained in Schedule B. to this Act, or to the like Effect, with such Limitation of Uses and other Additions or Variations as, with the Approval of the said Judge, the Purchaser may direct: Provided, that every Conveyance made under or in pursuance of this Act shall set forth the full Amount of the Purchase Money or Consideration and other Facts upon which the Amount of Stamp Duty shall depend.

Sale to be had under Control of Court either by Public Auction or by Private Contract.
12 & 13 Vict. c. 77. s. 24.

Conveyance by Judge.

LV. The Purchase Money in every Case shall be paid into the Bank of Ireland, to an Account to be there opened in the Name of the "Landed Estates Court, Ireland," or otherwise as the Court by General Rule or Special Order shall direct; and on the Notification by the Bank to the said Court of the Receipt of the Money, a Certificate of such Payment shall be endorsed on or written at the Foot of the Conveyance or Assignment by the Judge who shall execute the same; and on such Payment into the Bank the Purchaser shall be discharged from all Liability in respect of the Application of the Money so paid,

Purchase Money to be paid into Bank.
12 & 13 Vict. c. 77. s. 25.

and

and such Certificate of the Judge under the Seal of the Court shall be Evidence of the Payment.

Persons interested may bid at Sale, except Petitioner, or Person having Carriage of Sale, who may bid by Permission of the Court. 12 & 13 Vict. c. 77. s. 26.

LVI. Provided always, That it shall be lawful for any Incumbrancer on, or Person otherwise interested in, any Land or Rentcharge, or Part thereof, (other than the Incumbrancer or Owner upon whose Application the Sale has been ordered, or the Person having Carriage of the Sale,) to bid at any Public Sale, and to become the Purchaser at any Public Sale or by Private Contract, in like Manner as any Person not interested therein might bid and become the Purchaser; and, by Leave of the said Judge, it shall be lawful for the Incumbrancer or Owner on whose Application the Sale has been ordered to bid and become the Purchaser; and where an Incumbrancer on any Land, or Part thereof, shall be the Purchaser of such Land, or Part thereof, the Judge may, if he think fit, authorize such Purchaser to retain out of the Purchase Money the Amount which might have been ordered to be paid thereout in respect of such Incumbrance in case the whole Purchase Money had been paid into the Bank of Ireland under this Act, or such Sum on account of such Amount as the Judge may think fit, and to pay the Residue only of the Purchase Money into the said Bank; and where, at the Time of authorizing such Retainer as aforesaid, the said Judge shall not finally have ascertained and determined the Priority and Rights of such Purchaser in respect of his Incumbrance, or the Amount which he would be entitled to be paid in respect thereof out of the Purchase Money, such Retainer shall be without Prejudice to the Power of the said Judge to require such Purchaser to pay into the said Bank the whole or any Part of the Amount so retained which ought to be paid by him, and the said Judge shall withhold his Certificate of Payment herein-before mentioned until he shall be satisfied that the full Purchase Money, less the Amount which such Purchaser would be entitled to be paid in respect of his Incumbrance, has been paid into the said Bank.

Incumbrancer becoming Purchaser may deduct the Amount of his Incumbrance from the Purchase Money, with Leave of Court.

Court may include Arrears of Rent in Sale of Land. 16 & 17 Vict. c. 64. s. 9.

LVII. Where a Sale is made by the Court under the said recited Acts or this Act of any Land or Lease, it shall be lawful for it, whenever it shall appear to such Court convenient so to do, to include in such Sale all or any Part of the Arrears of Rent, if any, which may at the Time of the Sale be owing from any Lessees or Tenants, subject to whose Leases or Tenancies the Sale is to be made, where such Arrears are subject to any Incumbrance in respect of which an Incumbrancer shall have obtained an Order for Sale, or where the Order for Sale has been obtained by the Owner, and in the Conveyance or Assignment of such Land or Lease to assign such Arrears to the Purchaser accordingly, and such Purchaser, his Heirs, Executors,

Administrators, or Assigns, shall, after such Assignment of the said Arrears, have for the Recovery, and in respect of the Nonpayment thereof, the same Rights and Remedies which the Person or Persons who would have been entitled to such Arrears would have possessed if no such Assignment thereof or any Conveyance or Assignment of such Land or Lease had been made.

Where Sale of undivided Share, the Court may include the other undivided Share at the Instance of its Owner. 16 & 17 Vict. c. 64. s. 6.

LVIII. Where there is or shall be an Application to the Court for the Sale of any undivided Share of any Land, it shall be lawful for the Court where it shall see fit so to do, upon the Application of the Owner of any other undivided Share or Shares of the same Land or Lease, (and although such other undivided Share be not subject to any Incumbrance,) or on the Application of any Incumbrancer on such other undivided Share or Shares, to include the same Share or Shares, upon such Terms as it shall see fit, with the Share so proposed to be sold as aforesaid, and in every such Case the Court shall apportion the Purchase Money among the Owners, according to their respective Shares so sold, and shall apportion the Expenses as they may see fit.

Court may order Conversion of Leaseholds in perpetuity into Fee Farm. 16 & 17 Vict. c. 64. s. 9.

LIX. Where the Court has ordered or shall order the Sale of any Lease in perpetuity, it shall and may be lawful for the Court, if it shall think it expedient so to do, to cause the same to be converted into a Fee Farm under the Renewable Leasehold Conversion Act, and for that Purpose to cause Notice to be given to the Owners or other Person interested in the Reversion, or any Person on behalf of such Owner or other Persons, or any Person deemed Owner under the Provisions of the Leasehold Conversion Act; and the Court may thereupon proceed to convert such Lease in perpetuity into a Fee-farm Grant, according to the Principles prescribed in the Renewable Leasehold Conversion Act, but the Procedure in relation thereto shall be according to the General Rules and Practice of the said Court; and in case such Conversion shall be ordered the Court shall have Power to convey the Land included in such Lease to the Purchaser in Fee, subject to the Fee-farm Rent to be ascertained as aforesaid, and to such Exceptions, Reversions, Covenants, and Clauses as shall be in conformity with the original Lease, and the Provisions of the Renewable Leasehold Conversion Act, and thereupon the Owner of the immediate Reversion expectant on the said Lease in perpetuity for the Time being shall have the same Rights and Remedies against the Purchaser, his Heirs, Executors, Administrators, and Assigns, and against the Land, by Action, Distress, Entry, or otherwise, in respect of such Rent, and of any Exceptions, Reservations, Covenants, and Clauses contained in the said Deed, as belong by Law to the Owner of any Fee-farm Rent created under the said Acts.

LX. Every

LX. Every such Conveyance executed as aforesaid by the said Judge purporting to pass an Estate in Fee Simple shall be effectual to pass the Fee Simple and Inheritance of the Land, subject to such Charges, Tenancies, Rights of Common or other Easements, Leases, and Under-leases, as may be expressed or referred to therein as aforesaid, but, save as aforesaid, and as herein-after provided, discharged from all former and other Estates, Rights, Titles, Charges, and Incumbrances whatsoever of Her Majesty, Her Heirs and Successors, and of all other Persons whomsoever; and every such Conveyance or Assignment executed by the said Judge upon the Sale of a Lease or Rentcharge, or an Annuity charged on Land, or any partial or lesser Estate than an Estate in Fee Simple, shall be effectual to pass the Estate created or agreed to be created by such Lease, then remaining unexpired, or by the Instrument creating such lesser or partial Estate, Rentcharge, or Annuity, but subject as to such Lease to the Rent and Covenants annexed to the Reversion expectant on the Determination of such Lease, and as to such Instrument creating such Rentcharge, Annuity, or partial or lesser Estate, subject to such Tenancies, Rights of Common or other Easements, Leases and Under-leases, as shall be expressed or referred to in such Conveyance or Assignment, but, save as aforesaid, and as herein-after provided, discharged from all Rights, Titles, Charges, and Incumbrances whatsoever affecting the Leasehold Estate or Interest, Rentcharge, Annuity, or partial or lesser Estate: Provided always, that where any Land or Lease, or Part thereof, shall be sold and conveyed or assigned subject to any annual Charge or apportioned Part thereof, such annual Charge or such apportioned Part thereof (as the Case may be) shall remain and be charged on and payable out of such Land, or Part thereof, as in the Conveyance or Assignment shall be expressed.

Conveyance to Purchaser to pass Fee, subject to Tenancies, but discharged from all Estates and Incumbrances.
12 & 13 Vict. c. 77. s. 27.

Conveyance of a Lease, Rentcharge, Annuity, or partial Estate to pass Estate created by the Instrument purporting to grant same.
12 & 13 Vict. c. 77. s. 27.

LXI. Provided always, That any Conveyance, Assignment, or Declaration of Title under this Act shall not prejudice or affect any Rentcharge in lieu of Tithes, Crown Rent, or Quitrent charged upon or issuing out of any Land, or any Charge made by virtue of an Act passed in the Sixth Year of Her Majesty, intituled "An Act to promote "the Drainage of Lands and Improvement of Navigation and Water "Power in connexion with such Drainage in Ireland," and the Acts amending the same, or by virtue of an Act passed in the Tenth Year of Her Majesty, intituled "An Act to facilitate the Improvement of "Landed Property in Ireland," save where the said Court shall think fit to redeem the Crown Rents or Quitrents, or to pay off or redeem the Charges under the said Acts or either of them, under the Power herein-after contained, and shall express in such Conveyance or

Conveyance, &c. not to affect certain paramount Charges.
12 & 13 Vict. c. 77. s. 28.
6 Vict. c.
10 Vict. c.

Power to redeem Crown Rents, &c.

Assignment that the Land conveyed or assigned thereby is so conveyed or assigned discharged of all Crown Rents or Quitrents or Charges under the said Acts or either of them, as the Case may be, and in such Case such Land shall be so discharged accordingly: Provided always, that in every Case in which Application shall be made to the Court for the Sale or Conveyance of, or Declaration of Title to, the Fee Simple of any Land or Hereditaments, the Judge, before making any Final Order for such Sale, Conveyance, or Declaration, shall be satisfied that One Calendar Months' previous Notice in Writing of such Application has been given to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, on behalf of Her Majesty or Her Successors, stating full Particulars of the Land or Hereditaments for the Sale or Conveyance of, or Declaration of Title to, which Application has been or is intended to be made, and of any Rent payable to Her Majesty or Her Successors in respect of the same.

Court may order Delivery of Tenants Leases, &c. 12 & 13 Vict. c. 77. s. 29.

LXII. The Court shall have Power to order the Delivery to the Purchaser, or as he shall direct, of all Leases or Counterparts of Leases and Agreements, and other Evidence of the Tenancies, subject to which the Sale shall be made, affecting the Land, or Part thereof sold, and shall, on the Application of any Purchaser, issue an Order to the Sheriff to put such Purchaser in possession of all such Lands not in the Occupation of Lessees, Under-lessees, or Tenants, subject to whose Leases, Under-leases, or Tenancies the Sale shall have been made, and who shall have attorned to such Purchaser within a Time to be limited in such Order, and such Order shall be executed by the Sheriff in like Manner as a Writ for the Delivery of Possession.

Application of Purchase Money. 12 & 13 Vict. c. 77. s. 30. 16 & 17 Vict. c. 64.

LXIII. The Court shall, out of the Purchase Money to be received on any Sale under this Act, where any Sale has been made in any Matter of a Petition filed in the said Court, allow and pay such Costs of and consequential on the Application for the Sale and the Expenses of and incidental to the Sale, according to the Provisions contained in the Twelfth Section of the Statute of the Sixteenth and Seventeenth of the Reign of Her Majesty, Chapter Sixty-four, and the Surplus of such Purchase Money, after Payment of such Costs and Expenses, shall, under the Order of the Court, be applied in or towards Payment or Satisfaction of the Incumbrances or Charges, if any, which affect such Land, or Part thereof, according to their Priorities, and shall, subject as aforesaid, be paid to the Owner where such Owner was absolutely entitled thereto, or, where not so entitled, be laid out in the Purchase of Land, which shall be limited and settled to the same Uses, upon the same Trusts, for the same Purposes

poses, and in the same Manner as the Land, or Part thereof sold, stood settled or limited to, or such of them as shall be then subsisting or capable of taking effect; and until such Money can be so laid out, it may, under such Order as aforesaid, be transferred or paid over to the Trustees to be appointed or approved by the Court, for the Purpose of being so laid out as aforesaid, with such Power for the Investment thereof in Government Stocks, Funds, or Securities in the meantime, and such Directions for the Payment of the Income of such Investment, in the Manner in which the Rents of the Land to be purchased would be applicable, as the Court shall think fit.

Court may invest at instance of Parties for their Benefit. 12 & 13 Vict. c. 77. s. 31.

LXIV. Where the Judge shall be of opinion that from the Nature of the Case the Proceedings must be protracted, the Money so paid into the Bank as aforesaid may, by Order of the Court, be invested in the Purchase of any Stocks, Funds, or Annuities transferable at the Bank of Ireland in such Manner as shall be directed by any General or Special Order of the Court, and until the same shall be sold by Order of the Court for the Purposes of this Act, the Dividends thereof shall from Time to Time be applied, under the Order of the Court, in like Manner as the Rents of the Land or Lease, or Part thereof, from the Sale whereof the Money invested in such Stocks, Funds, or Annuities has arisen, would have been applicable, the Investments in, and Sale of such Stocks, Funds, and Annuities to be made through a Stockbroker to be appointed by the Party or Parties whom the Court shall name as properly interested in the same.

Power to change or appoint Trustees. 12 & 13 Vict. c. 77. s. 32.

LXV. Whenever in the Course of Proceedings in any Petition Matter pending before the Court it shall appear expedient to appoint, change, or remove Trustees, it shall and may be lawful for the Judge to make such Orders, and give such Directions in reference to such Appointment, Change, or Removal, and in reference to the vesting Property in new Trustees, as the Lord High Chancellor is empowered to make under the Authority vested in him for such Purposes by "The Trustee Act, 1850," and also by another Act passed in the Session of Parliament holden in the Fifteenth and Sixteenth Years of the Reign of Her Majesty, intituled "An Act to extend the "Provisions of the Trustee Act, 1850," and by any other Act which may be passed in relation to Trustees.

Trustee Act, 1850. 15 & 16 Vict. c. .

Court may vest Property in new Trustees. Trustee Act, 1850.

LXVI. Whenever the Court shall appoint or direct the Appointment of Trustees for any of the Purposes of this Act, it shall be lawful for the Judge to make or to direct to be made such Provision as he shall think fit for the Appointment of new Trustees on any Event to be determined by the Court.

Court may provide for Redemption of certain Charges, and otherwise to facilitate the Distribution of the Purchase Money.
12 & 13 Vict. c. 77. s. 34.

LXVII. It shall be lawful for the Court to sell any Land or Part thereof discharged from any Crown Rent or Quitrent which it may be enabled and may with the Consent of the Owner think fit to purchase, or from any Charge made by virtue of the said Acts of the Sixth and Tenth Years of Her Majesty, or either of them, which it may, with such Consent, think fit to pay off or redeem; and in any such Case the Court shall, out of the Money arising from the Sale, and in preference to all other Payments thereout, pay the Consideration for the Purchase of such Crown Rent or Quitrent, or such Sum as may be necessary for paying off or redeeming such Charge; and it shall be lawful for the Court, where it shall think fit, to pay to any Person entitled to any annual or other Charge, not being an Incumbrance according to the Definition of this Act, who may consent to accept the same, a gross Sum in discharge or by way of Redemption thereof or of a Part thereof, and where a Part only of any Land or Lease subject to any Incumbrance or Charge is sold, to charge the Part not sold with such Incumbrance or Charge, or an apportioned Part thereof, in exoneration of the Money arising from the Sale, and to enable or authorize Persons to release the Money arising from the Part so sold from any Incumbrance or Charge, or to relinquish their Claim on such Money in respect thereof, without impairing or affecting such Incumbrance or Charge as to the remaining Part of the Land or Lease originally charged; and the Court, where it shall think fit, may invest or provide for the Investment of Money to meet any annual or periodical Charge, or any other Charge, Incumbrance, or Interest, where by reason of such Charge, Incumbrance, or Interest, being contingent or otherwise, it shall appear to the Court proper or expedient so to do, and otherwise may make such Orders and Directions for applying the Money arising from any Sale in such Manner as will secure the convenient Application thereof for the Benefit and according to the Rights of the Parties interested in the Land or Part thereof from the Sale of which the same shall have arisen.

No Payment, not being in full, to affect Right of Incumbrancer for Balance, and no Payment in respect of any Incumbrance to impair Remedy over.
12 & 13 Vict. c. 77. s. 33.

LXVIII. Provided always, That no Payment under this Act towards Discharge of what shall be due on any Incumbrance or Charge, not being Payment in full, shall prejudice or affect any Right or Remedy of the Incumbrancer or the Person entitled to the Charge in respect of the Balance, otherwise than against the Land, or Part thereof, sold under this Act; and no Payment under this Act for or in respect of any Incumbrance or Charge shall impair any Right or Equity of any Persons out of whose Estate such Payment shall be made to be reimbursed or indemnified by any Person or out of any other Land or Estate, except so far as the Court under any special Circumstances shall order.

LXIX. Where

Power to Court to order Money to be paid into Court of Chancery. 12 & 13 Vict. c. 77. s. 35.

LXIX. Where any Money arising from a Sale under this Act is not immediately distributable, or the Parties entitled thereto cannot be ascertained, or where from any other Cause the Court may think it expedient for the Protection of the Rights and Interests therein, the Court, at its Discretion, may order such Money, or any Stocks, Funds, or Securities in which the same may have been invested under this Act, to be transferred to the Account of the Accountant General of the High Court of Chancery, or (where the Case may require) of the High Court of Chancery in England, in the Matter of the Parties interested in the same, to be described as the Court shall think fit and direct, in trust to attend the Orders of such Courts respectively, and the Court may by its Order declare the Trust affecting such Money, Stocks, Funds, or Securities, so far as it may have ascertained the same, or state (for the Information of the respective Courts) the Facts or Matters found by it in relation to the Rights and Interests therein, and the High Court of Chancery, Lord Chancellor, and Master of the Rolls in England and Ireland respectively, may make such Orders and give such Directions in relation to any such Moneys, Stocks, Funds, or Securities as shall be so transferred to the Account of the Accountant General of such respective Court, as such Court or Judge respectively might make or give in relation to any Trusts, Moneys, Stocks, or Securities paid in, transferred, or deposited under the Act passed in the Eleventh Year of Her Majesty, 11 Vict. c. "for better securing Trust Funds, and for the Relief of Trustees," or the Act of the Eleventh and Twelth Year of the Reign of Her Majesty, for extending to Ireland the said Act of the Eleventh Year of Her Majesty, respectively; and no Money transferred into the Name of the Accountant General of the Court of Chancery in Ireland, or paid out under this Provision under any Order of the Lord Chancellor or Master of the Rolls, shall be liable to Ushers Poundage.

Lands included in different Applications, and different Interests in the same Lands, may be included in the same Sale. 12 & 13 Vict. c. 77. s. 36.

LXX. Where there shall be separate Applications to the Court for Sales under this Act of any Land and of any Lease in the same Land, or there shall be such Applications for Sales of different undivided Shares of any Land or Lease, it shall be lawful for the Court, where they shall see fit so to do, to include, with the Consent of the Persons by whom such respective Application may be made or prosecuted, and of any other Persons whose Consent the Court may under the Circumstances think fit to require in the same Sale, upon such Terms as they think fit, such Land or Lease, or such Leases, or such several undivided Shares as aforesaid; and where there shall be separate Applications for Sales under this Act of any Land, and of any Lease in other Land, or if different Lands or Leases in different Lands, it shall be lawful for the Court where, from the Lands

being intermixed, or from other Circumstances, it shall appear to them convenient so to do, to include with such Consent as aforesaid such Land or Lease, or Lands or Leases, in the same Sale, upon such Terms as it may think fit; and where any Land, or Part thereof, subject to any Incumbrance, is proposed or ordered to be sold under this Act, it shall be lawful for the Court, upon the Application of the Owner of any Lease or Under-lease, or Estate in Reversion, or other Estate or Interest whatsoever in the same Land, (and although such Lease, Under-lease, Estate in Reversion, or other Estate or Interest be not subject to any Incumbrance, or would not, if subject to any Incumbrance, be subject to be sold under an Order of the Court under the Provisions herein-before contained,) or upon the Application of any Incumbrancer on any such Lease, Under-lease, Estate, or Interest, to include the same, upon such Terms as they may see fit, in the Sale of the Land or Lease, or Part thereof, so proposed or ordered to be sold as aforesaid; and all the Provisions of this Act applicable to any Land subject to any Incumbrance, and ordered to be sold under this Act, and to any Incumbrance or Charge upon such Land, and the Purchase Money arising from the Sale thereof, and to the Conveyance or Assignment thereof, shall, so far as Circumstances admit, extend and be applicable to every such Lease, Under-lease, Estate in Reversion, or other Estate or Interest to be so included in the Sale; and in every such Case as aforesaid the Judge shall apportion the Purchase Money and Expenses as he shall see fit.

If Land sold be subject to a Lease, &c. comprising other Land, or if Part of Lease in perpetuity, &c. be sold, Court may apportion the Rent.

12 & 13 Vict. c. 77. s. 37.

LXXI. If any Land to be sold under this Act shall be subject to a Lease or Under-lease for Years or Lives comprising other Land at an entire Rent, it shall be lawful for the Court to apportion the Rent between the Land to be sold and the Remainder of the Land subject to such Rent; and where it is intended to sell under this Act a Part only of any Lease in perpetuity or other Lease, it shall be lawful for the Court, where it shall think fit, and (having regard to the Rights and Interests of the Owner of the Reversion) it shall appear to the Court just so to do, to apportion the Rent reserved by such Lease between the Land to be sold and the Remainder of the Land; and the Court shall direct Notices of any such intended Apportionment as aforesaid to be given to such Persons and in such Manner as it shall think fit, and shall hear such Parties as shall apply to them in relation thereto; and after such Apportionment, and after the Sale shall be completed, the Owners of the Reversion in the respective Lands shall have the like Remedies for the apportioned Rents against the Lands out of which the same shall be payable, and the Owners and Occupiers thereof respectively, as were subsisting for the entire Rent before such Apportionment, and all the Covenants, Conditions,

ditions, and Agreements of every Lease or Under-lease, except as to the Amount of Rent to be paid, shall, as regards the apportioned Parts, remain in force in the same Manner as they would have done in case no such Application had taken place: Provided always, that the Enactment in this Section shall be deemed to apply to any Rent reserved upon a Lease, where the Court shall have sold or shall sell the Reversion expectant upon such Lease at different Times or in different Lots.

Provisions for Persons under Disability. 12 & 13 Vict. c. 77. s. 38.

LXXII. Where any Person who (if not under Disability) might have made any Application, given any Consent, done any Act, or been Party to any Proceedings under this Act, shall be a Minor, Idiot, Lunatic, or married Woman, the Guardian, Committee of the Estate, and Husband respectively of such Person may make such Applications, give such Consents, do such Acts, and be Party to such Proceedings as such Persons respectively, if free from Disability, might have made, given, done, or been Party to, and shall otherwise represent such Person for the Purposes of this Act; but a married Woman entitled for her separate Use (with or without Power of Anticipation) shall, for the Purposes of this Act, be deemed a Feme Sole: Provided always, that where there shall be no Guardian or Committee of the Estate of any such Person as aforesaid being infant, idiot, or lunatic, or where any Person, the Committee of whose Estate, if he were an Idiot or Lunatic, would be authorized to act for and represent such Person under this Act, shall be of unsound Mind, or incapable of managing his Affairs, but shall not have been found idiot or lunatic under an Inquisition, it shall be lawful for the Court to appoint a Guardian of such Person, for the Purpose of any Proceedings under this Act, and from Time to Time to change such Guardian; and where the Court sees fit it may appoint a Person to act as the next Friend of a married Woman for the Purpose of any Proceeding under this Act, and from Time to Time remove or change such next Friend.

Court may obtain Assistance of Accountants, Merchants, &c. 15 & 16 Vict. c. 30. s. 42.

LXXIII. It shall be lawful for the said Court or any Judges thereof, in such Way as they may think fit, to obtain the Assistance of Accountants, Merchants, Engineers, Actuaries, or other scientific Persons, the better to enable such Court or Judge to determine on any Matter at issue in any Case or Proceeding.

Fees to such Accountants &c. 15 & 16 Vict. c. 80. s. 43.

LXXIV. The Allowance in respect of Fees to such Accountants, Merchants, Engineers, Actuaries, or other scientific Persons shall, unless the Court or a Judge shall have given any special Direction in regard of the same, be regulated by the Taxing Officer of the Court,

Court, subject to an Appeal to the Judge to whose Court this Matter shall be attached, whose Decision shall be final.

Proceedings not to abate by Death. 12 & 13 Vict. c. 77. s. 39.

LXXV. Proceedings under this Act shall not abate or be suspended by any Death or Transmission, or Change of Interest, but in any such Case of Death or Transmission, or Change of Interest, it shall be lawful for the Court, where it shall see fit, to require Notices to be given to Persons becoming interested, or to make any Order for discontinuing, suspending, or carrying on the Proceedings or otherwise in relation thereto, which to it may appear just.

Costs. 12 & 13 Vict. c. 77. s. 40.

LXXVI. In every Proceeding under this Act the Court shall have full Power and Discretion as to the giving or withholding Costs and Expenses, and as to the Persons by whom and the Funds out of which the same shall in the first instance or ultimately be paid, repaid, and borne, and shall and may apportion the same amongst such Parties, and in respect of Interest, Rents, or Income, and Principal or Corpus, as it shall see fit.

Costs of Petion for a Sale. 16 & 17 Vict. c. 64. s. 12.

LXXVII. Provided always, That in the Case of any Petition for a Sale the Costs of the Petitioner in respect of such Petition and of any Proceedings thereunder shall not (unless the Judge shall otherwise direct), be payable out of the Proceeds otherwise than in the same Order of Priority in which the Incumbrance of the Petitioner shall be payable; and provided also, that where a Judge shall not order Costs to be paid by a Party unsuccessfully making or resisting an Application to the Court, such Judge shall state on the Face of the Order the Reason why such Costs have been withheld.

On Application for Sale of an undivided Share, or after Sale, Court may, on Application of Party interested, and giving Notices and hearing Parties, make Order for a Partition. 12 & 13 Vict. c. 77. s. 43.

LXXVIII. Where an Application shall be made for a Sale under this Act of an undivided Share of any Land, or where any such undivided Share shall have been sold under this Act, and, either before or after the Conveyance or Assignment thereof under this Act, the Court, on the Application of any Party interested in such undivided Share, or of the Purchaser, (as the Case may be,) and after causing to be given such Notices to the Owner or Owners of the other undivided Share or Shares of the same Land or Lease as it may think fit, and hearing such Parties interested in the respective Shares as may apply to it, and making or causing to be made such Inquiries as may enable it to make a just Partition, may, if it shall think fit, make an Order under its Seal for the Partition of such Land; and in such Order, or in a Map or Plan annexed thereto, shall be shown the Part allotted in Severalty in respect of each of the undivided Shares in such Land; and the Court shall have

have the like Authorities, Jurisdiction, and Power in relation to such Partition under the Direction of such Court; and the Part so allotted in Severalty in respect of each such undivided Share by such Order for Partition as aforesaid shall, without any Conveyance or other Assurance in relation thereto, go and enure to and upon the same Uses and Trusts, and be subject to the same Conditions, Charges, and Incumbrances, as the undivided Share in respect of which the same is so allotted would have stood limited or been subject to in case such Order had not been made; and the like Order for a Sale of the Part allotted in respect of the undivided Share to which the Application for the Sale shall relate may be made (where the Order for Partition is made before the Sale), and the like Proceedings had in relation to such Sale, and the like Conveyance or Assignment may be made of the Part allotted in respect of the Share sold (where the Order for Partition is made after Sale, and before Conveyance or Assignment), and with the like Consequences in the several Cases aforesaid, as if the Application for a Sale, or the Sale, (as the Case may be,) had been in respect of the Part so allotted as aforesaid; and where any Land or Lease, or Part thereof, to be sold under this Act, is subject to any Lease, Under-lease, or Tenancy under which the Lessees, Under-lessees, or Tenants hold jointly, or as Tenants in Common, it shall be lawful for the Court, on the Application of any such Lessee, Under-lessee, or Tenants, and after causing to be given such Notices as it may think fit, and hearing such Parties as may apply to it, and making such Inquiries as it may think necessary, to make an Order under its Seal for the Partition, as between such Lessees, Under-lessees, or Tenants, of the Land included in their Lease, Under-lease, or Tenancy, and for the Apportionment of the Rent reserved or payable under such Lease, Under-lease, or Tenancy; and after such Order of Partition the Owner of the Reversion in the respective Parts of the Land shall have the like Remedies for the apportioned Rents against the respective Parts out of which the same shall be payable, and the Lessees, Under-lessees, or Tenants holding such respective Parts under such Lease, Under-lease, or Tenancy, and such Order of Partition, as were subsisting for the entire Rent before such Partition and Apportionment; and all the Covenants, Conditions, and Agreements of every such Lease, Under-lease, or Tenancy, except as to the Amount of Rent to be paid, shall, as regards the respective Parts allotted on such Partition, and the apportioned Parts of the Rent, remain in force as against the respective Lessees, Under-lessees, or Tenants to whom under such Partition such respective Parts shall be allotted.

On Application for Sale, or after Sale,

LXXIX. Where an Application shall be made for a Sale under this Act of any Land or Part thereof, or where the same shall have been

Court, on Application of Party interested, and with Consent, may make Order for Exchange.
12 & 13 Vict. c. 77. s. 44.

been sold under this Act, and either before or after the Conveyance or Assignment thereof under this Act, if Application be made to the Court by any Party interested in such Land, or by the Purchaser, (as the Case may be,) for the Exchange of all or any Part of such Land for other Land which the Owner thereof may be willing to give in Exchange, the Court may make or cause to be made such Inquiries as they think fit, for ascertaining whether such Exchange would be beneficial to the Person interested in the respective Lands, and cause such Notices to be given to Parties interested in the respective Lands, as it may think fit; and if, after making such Inquiries, and hearing such Parties interested in the respective Lands as may apply to them, the Court shall be of opinion that such Exchange would be beneficial, and that the Terms thereof as proposed, or as modified by it, with the Consent of such Owner as aforesaid, are just and reasonable, the said Court may make an Order under their Seal for such Exchange accordingly, and in such Order for Exchange, or in a Map or Plan annexed thereto, shall be shown the Lands given and taken in Exchange respectively under such Order; and the Land taken upon such Exchange under such Order shall, without any Conveyance or other Assurance in relation thereto, go and enure to and upon the same Uses and Trusts, and be subject to the same Conditions, Charges, and Incumbrances, as the Land given on such Exchange would have stood limited or been subject to in case such Order had not been made; and the like Order for a Sale may be made by the Court in respect of the Land taken in Exchange for any Land to which the Application for a Sale shall relate, (where the Order for Exchange is made before Sale,) and the like Proceedings had in relation to such Sale, and the like Conveyance or Assignment may be made in respect of the Land taken in Exchange for the Land or Part thereof sold, (where the Order for Exchange is made after Sale, and before Conveyance or Assignment,) and with the like Consequences in the several Cases aforesaid, as if applicable for a Sale, or the Sale, (as the Case may be,) had been in respect of the Land taken in Exchange.

Partition may be made of Land where Shares are not subject to be sold under this Act,
12 & 13 Vict. c. 77. s. 45.

LXXX. It shall be lawful for the Court, on the Application of the Owners of the several undivided Shares (not subject to be sold under this Act, or as to which no Proceedings for a Sale under this Act shall be pending,) of any Land in Ireland who shall desire to effect a Partition of such Land, to make or cause to be made such Inquiries as the Court may think fit for ascertaining whether such Partition would be beneficial to the Persons interested in such respective Shares; and in case the Court shall be of opinion that the proposed Partition would be beneficial, and that the Terms thereof are just and reasonable, it shall make an Order under their Seal for

for such Partition accordingly; and in such Order, or in a Map or Plan annexed thereto, shall be shown the Part allotted in Severalty in respect of each such undivided Share, and the Part so allotted in Severalty in respect of such undivided Share by such Order of Partition shall, without any Conveyance or other Assurance in relation thereto, go and enure to and upon the same Use, and be subject to the same Conditions, Charges, and Incumbrances, as the undivided Share in respect of which the same is so allotted would have stood limited or been subject to in case such Order had not been made.

Exchanges may be made of Lands not subject to be sold under this Act.
12 & 13 Vict. c. 77. s. 46.

LXXXI. It shall be lawful for the Court, upon the Application of the Owner of Lands in Ireland not subject to be sold under this Act, or as to which no Proceedings for a Sale under this Act shall be pending, who shall desire to effect an Exchange of such Lands, to make or cause to be made such Inquiries as the Court may think fit for ascertaining whether such Exchange would be beneficial to the Persons interested in the respective Lands; and in case the Court shall be of opinion that the proposed Exchange would be beneficial, and that the Terms thereof are just and reasonable, they shall make an Order under their Seal for such Exchange accordingly; and in such Order for Exchange, or in a Map or Plan annexed thereto, shall be shown the Lands given and taken in Exchange respectively under such Order; and the Land taken upon such Exchange under such Order shall, without any Conveyance or other Assurance in relation thereto, go and enure to and upon the same Uses and Trusts, and be subject to the same Conditions, Charges, and Incumbrances, as the Land given upon such Exchange would have stood limited or been subject to in case such Order had not been made.

Division of intermixed Land not subject to be sold under this Act.
12 & 13 Vict. c. 77. s. 47.

LXXXII. It shall be lawful for the Court, upon the Application of any Number of Persons who shall be separately Owners of Parcels of Land for any Estate in Ireland not subject to be sold under this Act, or as to which no Proceedings for a Sale under this Act shall be pending, so intermixed or divided into Parcels of inconvenient Forms or Quantity that the same cannot be cultivated or occupied to the best Advantage, but forming together a Tract which may be divided into convenient Parcels, and who shall desire to have the whole of such Tract divided into convenient Parcels, to be allotted in lieu of the old Parcels, to make or cause to be made such Inquiries as the Court may think fit, for ascertaining whether such proposed Division and Allotment would be beneficial to the Persons interested in such Lands; and in case the Court shall be of opinion that the proposed Division and Allotment would be beneficial, it shall make an Order for the Division and Allotment thereof accordingly, with a Map or Plan thereunto annexed, in

in which shall be specified as well the Parcels in which the several Persons on whose Application such Order shall have been made were respectively interested before such Division and Allotment, as the several Parcels allotted to them respectively by such Order; and the Parcels of Land taken under such Division and Allotment shall go and enure to and upon the same Uses and Trusts, and be subject to the same Conditions, Charges, and Incumbrances, as the several Lands which the Persons taking the same shall have relinquished or lost in such Division would have stood limited or been subject to in case such Order had not been made.

Notices of Partitions, Exchanges, and Division to be given. 12 & 13 Vict. c. 77. s. 48.

LXXXIII. Provided always, That in the Case of Land in which no Proceedings for a Sale under this Act shall be pending, no such Order of Partition, or of Exchange, or of Division and Allotment, as aforesaid, shall be made by the Court until such Notices by Advertisement in public Newspaper or Newspapers as the Court shall direct shall have been given of such proposed Partition, Exchange, or Division and Allotment, and Three Calendar Months shall have elapsed from the Publication of the last of such Advertisements; and in case before the Expiration of such Three Calendar Months any Person entitled to any Estate in or to any Charge upon any Land included in such proposed Partition, Exchange, or Division and Allotment, shall give Notice in Writing to the Court of his Dissent from such proposed Partition, Exchange, or Division and Allotment, (as the Case may be,) the Court shall not make an Order for such Partition, Exchange, or Division and Allotment, unless such Dissent shall be withdrawn, or it shall be shown to the Court that the Estate or Charges of the Party so dissenting shall have ceased, or that such Estate or Charges is not an Estate or Charge in respect of which he would be entitled in Equity to prevent such Partition, Exchange, or Division and Allotment; but no such Order as aforesaid shall be in anywise liable to be impeached by reason of any Infirmity of Estate or Defect of Title of the Persons on whose Application the same shall have been made.

Conveyances, Assignments, and Orders for Partition, Exchange, or Division and Allotment, conclusive. 12 & 13 Vict. c. 77. s. 49.

LXXXIV. Every Conveyance, Assignment, and Declaration respectively executed as required by this Act and every Order for Partition or for Exchange, or for Division and Allotment, made by the Court under its Seal, shall for all Purposes be conclusive Evidence that every Application, Proceeding, Consent, and Act whatsoever which ought to have been made, given, and done previously to the Execution of such Conveyance, Assignment, or Declaration, or the making of such Order respectively, has been made, given, and done by the Persons authorized to make, give, and do the same; and no such Conveyance, Assignment, Declaration, or Order shall be impeached

peached by reason of any Informality therein; and every such Order shall operate, and may be registered in the Office for registering Deeds in Ireland, in like Manner as if Conveyances by way of Partition, Exchange, Division, or Allotment, had been executed for such Purposes.

Court not to be restrained by Injunction. 12 & 13 Vict. c. 77. s. 50.

LXXXV. The Court shall not be subject to be restrained in the Execution of its Powers under this Act; nor shall any Person be restrained from making Application under this Act to the Court, or doing any other Act or giving any Consent under the Provisions of this Act, by Order or Injunction of a Court of Equity, or by Writ of Prohibition; nor shall the Court be required by Writ of Mandamus to do any Act or take any Proceedings under this Act; nor shall Proceedings before them be removed by Certiorari; and the Judge of the Court shall not, nor shall any Person acting under the Order or Authority of them or any of them, be liable to any Action, Suit, or Proceeding for or in respect of any Act or Matter bonâ fide done or omitted by them respectively in the Exercise or supposed Exercise of the Powers of this Act.

Rights of Purchaser against Tenants. 16 & 17 Vict. c. 64. s. 5.

LXXXVI. Where any Conveyance or Assignment has been made before the passing of this Act by the Commissioners for the Sale of Incumbered Estates in Ireland, or shall hereafter be made by the Court, subject to any Lease, Under-lease, or Tenancy, such Conveyance or Assignment shall be deemed to afford conclusive Proof that the Estate or Interest purporting to be conveyed or assigned thereby is the Reversion expectant upon such Lease, Under-lease, or Tenancy; and it shall not be necessary, in any Action arising out of or connected with such Lease, Under-lease, or Tenancy, or in any Pleadings in such Action, to allege or prove the Title of such Reversion prior to the said Conveyance or Assignment; and the Person to whom such Conveyance or Assignment is made, his Heirs, Executors, Administrators, and Assigns, and every of them, shall and may have and enjoy the like Advantages against the Lessees, Under-lessees, and Tenants, their Heirs, Executors, Administrators, Assigns, and Under-tenants, and against all other Persons in possession or occupation of the Land comprised in such Conveyance or Assignment, by Distress or by Entry for Nonpayment of Rent, or for doing of Waste or other Forfeiture, and also shall and may have and enjoy like Advantages and Remedies by Action for not performing other Conditions, Covenants, and Agreements contained in such Lease or Underlease, or in the parol Agreement for such Tenancy, against the said Lessees, Under-lessees, and Tenants, their Heirs, Executors, Administrators, and Assigns, as the Person granting such Lease or Underlease, or as the Landlord entering into the Agreement for such

Tenancy, or his Heirs, Executors, Administrators, or Assigns, ought to have had and enjoyed at any Time or Times, in like Manner and Form as if the Reversion in such Land expectant on such Lease, Under-lease, and Tenancy had remained or continued in such Person granting such Lease or Under-lease, or as Landlord entering into such Agreement.

Duty payable on Proceedings.

LXXXVII. A Duty shall be levied upon every Estate which shall be sold or conveyed under this Act, or of which a Partition, Exchange, or Division shall be made by the Court, where no Sale is to be effected by the Court, or of which the Title shall be verified by Declaration under this Act as aforesaid; and such Duty shall be payable, in the Proportion herein-after mentioned, according to the Value of such Estate; and such Value shall, when the Estate shall be sold or conveyed, be estimated by the bonâ fide Purchase Money, and where the Court shall make a Partition, Exchange, or Division of Land, or shall verify the Title thereof by Declaration as aforesaid, the Value of such Estate shall be ascertained by such Means as shall be settled by a General Order of the Court; and such Duty shall be the First Charge upon the Purchase Money, and, where there shall be no Sales, the Duty shall be a First Charge upon the Estate conveyed, or the Estate being the Subject of such Declaration of Title as aforesaid, or the Estates which shall be the Subject of such Exchange, Partition, or Division as aforesaid; and Payment of such Duty shall be enforced by such Method as shall be determined by any General Order of the Court for that Purpose; and such Duty shall be paid so as to become and form Part of the Consolidated Fund of Great Britain and Ireland in such Manner as shall be determined by General Order of the Court, to be approved by the Commissioners of Her Majesty's Treasury:

Rate of Duty.

The Rate of such Duty shall be Ten Shillings upon every Hundred Pounds of the gross Value of the Estate or Estates which shall form the Subject of each Application to the Court, or Reference from the Courts of Chancery or Bankruptcy and Insolvency respectively, where such Value shall be less than Ten thousand Pounds, and One Pound upon every Hundred Pounds of such gross Value, where such Value shall amount to Ten thousand Pounds or upwards: Provided, that it may be lawful for the Commissioners of the Treasury to lower or raise such Rate of Duty from Time to Time within the Limit of the Rate hereby provided as a Maximum, according as such Rate or substituted Rate shall to them seem sufficient to provide a Fund for the Support of such Court: Provided always, that no such Duty shall be payable in respect of any Property which shall be sold in pursuance of an Order of the Commissioners of the Incumbered Estates Court made before the passing of this Act.

LXXXVIII. Whereas

CLAUSE E. Power to Commissioners of the Treasury to invest unproductive Cash. 4 & 5 Will. 4. c. 78.

LXXXVIII. Whereas it has been found that a large Sum in Cash, the Produce of the Sales under the Court for the Sale of Incumbered Estates in Ireland, has from Time to Time been lying unproductive in the Bank of Ireland: And whereas there is Reason to expect that a large Sum in Cash, the Produce of future Sales under the Court hereby constituted, will be unproductive, unless the same shall be rendered profitable in the Manner herein-after provided: Be it therefore enacted, That it may be lawful for the Commissioners of Her Majesty's Treasury, at their Discretion, to make such Arrangements, from Time to Time, as to them shall seem expedient, for the Investment in Public Funds of so much as they may think fit of the Cash, being the Proceeds of Sales lodged in the Bank of Ireland under the Provisions of this Act, as in their Opinion may not be required to meet the Payments or special Investments which may from Time to Time be ordered by the Court, or, if the said Commissioners shall think fit, it shall be lawful for them, at their Discretion, to make such other Arrangements with the said Bank as they may deem expedient for rendering such Cash, or such Part thereof as aforesaid, productive; and the Dividends, Interest, or other annual Proceeds derived from such Public Securities, or from any other Arrangements with the said Bank, shall be paid and form Part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland: Provided that if at any Time the whole or any Part of the Securities in which such Cash may be so invested shall be wanted to answer any of the Demands of the Parties entitled thereto in the several Matters pending in the said Court, then and in such Case the said Commissioners, on the Certificate from the Court of such Want, may direct such Securities or any Part thereof to be disposed of, in order that such Parties may at all Times be paid their respective Demands out of the Cash in the said Bank.

Persons swearing falsely to be punished for Perjury.

LXXXIX. Every Person who, upon Examination upon Oath, Affirmation, or Declaration before the Court or any of the Judges thereof, or any Person appointed and authorized under this Act by the Court, or by any General or Special Order thereof, to administer such Oath, Affirmation, or Declaration, shall wilfully give false Evidence, and every Person who shall wilfully swear, affirm, or declare falsely in any Affidavit authorized under this Act to be received in Evidence by the Court, shall be liable to the Pains and Penalties of Perjury.

Act only to extend to Ireland.

XC. This Act shall, except as far as the special Provisions of the same otherwise require, extend only to Ireland.

SCHEDULE.

SCHEDULE A.

FORMS OF CONVEYANCE on Sales by the Court [*which may be used with such Variations as the Circumstances may appear to the to require*].

I, *A.B.*, One of the Judges of the "Landed Estates Court, Ireland," under the Authority of an Act passed in the Year of the Reign of Queen Victoria, intituled [*here set forth the Title of this Act*], in consideration of the Sum of by *E.F.* of *&c.* paid into the Bank of Ireland [*or other Bank, as the Case may be*], to our Account, to the Credit of , do grant unto the said *E. F.* all [*here describe the Premises to be sold*], to hold the same unto the said *E. F.*, his Heirs and Assigns [*or, in the Case of a Chattel Interest in a Lease*, his Executors, Administrators, and Assigns] for ever, [*or* for the unexpired Term created by a certain Lease, *describing the Lease, as the Case may be,*] subject to [*here specify, where the Sale is made subject thereto, the Tenancies, Leases, Under-leases, or Charge, either by Reference to a Schedule or otherwise*].

In witness whereof, I, the said *A.B.*, have hereunto set my Hand and the Seal of the said Court, this Day of in the Year of our Lord

A. B.

(*Seal of the Court.*)

The Certificate of Payment to be endorsed on or written at the Foot of the Conveyance or Assignment may be in the following Form:—

I certify that the within [*or* above] mentioned Sum of was paid in the Bank of or to the Account and Credit within [*or* above] mentioned, on the Day of

A. B.

(*Seal of the Court.*)

Sale and Transfer of Land (Ireland.)

A

BILL

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

To facilitate the Sale and Transfer of Land in Ireland.

(*Prepared and brought in by*
Mr. Attorney General for Ireland, Mr. Secretary Walpole, Lord Naas, and Mr. Solicitor General.

Ordered, by The House of Commons, *to be Printed,* 5 *July* 1858.

[Bill 180.]

Under 6 *oz.*

LORDS AMENDMENTS

TO

SALE AND TRANSFER OF LAND (IRELAND) BILL.

Note.—*The Page and Line refer to the Bill* (213.) *as first printed by the Lords.*

Page 4.

Line 25. Leave out ("with"), and insert ("next after")

Lines 27 and 28. Leave out ("according to the Date of his Appointment")

Page 29.

At the End of Clause 64 add ("Provided always, that if by "Mistake or otherwise any Purchase Money shall, "under the Provisions aforesaid, have been paid to "any Person or Persons as being the Person or "Persons absolutely entitled thereto when he or "they were not so entitled, such Money shall be "deemed to have been paid to him or them upon "an express Trust to invest the same in the "Purchase of Lands to be settled to the Uses and "upon the Trusts to and upon which the Lands "sold stood limited, settled, and assured at the "Time of the Sale")

Line 26. After ("Stockbroker") insert ("or Stockbrokers")

Line 26. Leave out from ("the") to the End of the Clause, and add ("Court by General or Special Order, as the Court may think fit")

Page 30.

Line 5. Leave out from ("Rent") to ("and") in Line 19, and insert ("upon or amongst the several Lands liable to "the Payment thereof, or to charge the whole of "any such Rent on any Part of the Lands charged "therewith in exoneration of the Remainder of such "Lands, and every such Apportionment or exclusive "Charge shall be binding on the Queen's Majesty "and on every Corporation and Person, and the "apportioned Parts of any such Crown Rent, or any "such Crown Rent so exclusively charged, shall "thenceforth

" thenceforth be issuing out of and chargeable upon
" the Lands whereon the same may be apportioned
" or exclusively charged, but no such Apportionment
" or exclusive Charge shall in any Manner prejudice
" or affect any Reversion or Remainder of the Crown
" in any Lands originally charged with any such
" Rent so apportioned or exclusively charged, nor
" shall the Sale of any apportioned Part of any
" Crown Rent, or of any Crown Rent so exclusively
" charged, or of any Interest in the Reversion or
" Remainder of the Crown in the same Lands, affect
" the Right or Interest of the Crown in any other
" Part of the Lands originally charged with any Rent
" so apportioned or exclusively charged, either as
" regards the Rent remaining unsold, or the Crown's
" Interest in the Remainder or Reversion of such
" Lands or otherwise ")

Line 30. After (" fit ") insert (" to purchase with the Consent
" of the said Commissioners of Woods any Estate
" or Interest of the Crown, in remainder or rever-
" sion, in the whole or any Part of the Lands for the
" Sale of or Declaration of Title to which Applica-
" tion has been made or")

LORDS AMENDMENTS

TO

SALE AND TRANSFER OF LAND (IRELAND) BILL.

Ordered, by The House of Commons, *to be Printed*,
24 *July* 1858.

[Bill 237.]

Under 1 *oz.*

A

B I L L

TO

Continue certain Acts to prevent the spreading of contagious or infectious Diseases among Sheep, Cattle, and other Animals.

WHEREAS an Act was passed in the Twelfth Year of the Reign of Her Majesty, Chapter One hundred and seven, for preventing until the First Day of September One thousand eight hundred and fifty, and to the End of the then Session of Parliament, the spreading of contagious or infectious Diseases among Sheep, Cattle, and other Animals: And whereas the said Act was by sundry Acts continued until the First Day of September One thousand eight hundred and fifty-three, and until the End of the then Session of Parliament: And whereas by an Act passed in the Session of Parliament held in the Sixteenth and Seventeenth Years of the Reign of Her Majesty, Chapter Sixty-two, the said first-recited Act was extended and further continued: And whereas by an Act passed in the Nineteenth and Twentieth Years of the Reign of Her Majesty, Chapter One hundred and one, the said first-recited Act was further continued and will remain in force until the End of the present Session of Paliament: And whereas it is expedient that the said first-recited Act, as the same is extended by the said second-recited Act, should be further continued: Be it therefore enacted by the

Preamble.
11 & 12 Vict. c. 107.
16 & 17 Vict. c. 62.
19 & 20 Vict c. 101

the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Acts further continued.

I. The said recited Act passed in the Twelfth Year of the Reign of Her Majesty, as the same is extended by the said recited Act passed in the Sixteenth and Seventeenth Years of the Reign of Her Majesty, shall continue and be in force until the *First Day of August One thousand eight hundred and sixty, and to the End of the then next Session of Parliament.*

Sheep, &c. Contagious Diseases Prevention.

A

BILL

To continue certain Acts to prevent the spreading of contagious or infectious Diseases among Sheep, Cattle, and other Animals.

(*Prepared and brought in by Mr. Hardy and Mr. Secretary Walpole.*)

Ordered, by The House of Commons, *to be Printed,*
12 *July* 1858.

[Bill 197.]

Under 1 *oz.*

A

B I L L

TO

Abate the Nuisance arising from the Smoke of Furnaces in the Metropolis, and from Steam Vessels plying to and from any Places on the River Thames to the Westward of the Nore Light.

WHEREAS the Provisions of an Act passed in the Seventeenth Year of the Reign of Her present Majesty, intituled "An Act to abate the Nuisance arising from the Smoke "of Furnaces in the Metropolis, and from Steam Vessels above Lon- "don Bridge," amended by an Act passed in the Nineteenth Year of the Reign of Her present Majesty, intituled "An Act to amend the "Smoke Nuisance Abatement (Metropolis) Act, 1853," are defective; and it is expedient to repeal the said Acts, and to substitute other Provisions more effectual in that Behalf: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. *From and after the passing of this Act* the said Acts are hereby repealed: Provided always, that all Proceedings commenced or taken under Repeal of Statutes 16 & 17 Vict. c. 138.

and 19 & 20 Vict. c. 107. Saving of Proceedings taken under repealed Acts.

under the said Acts, and not yet completed, may be proceeded with under the said Acts as if this Act had not been passed.

Furnaces in the Metropolis not to emit Smoke.

II. *From and after the passing of this Act* every Furnace employed or to be employed in the working of Engines by Steam, and every Furnace employed or to be employed in any Mill, Factory, Printing House, Iron Foundry, Pottery Works, Glasshouse, Distillery, Brewhouse, Sugar Refinery, Bakehouse, Gasworks, Waterworks, or other Buildings used for the Purpose of Trade or Manufacture within the Metropolis (although a Steam Engine be not used or employed therein), or in any public Bath or Wash-house within the same, although such public Bath or Wash-house shall not be used for the Purposes of Trade and Manufacture, shall in all Cases be constructed or altered so as to prevent the Formation and the Emission of the opaque Smoke which otherwise would arise from such Furnace; and if any Person shall *after the passing of this Act*, within the Metropolis, use any such Furnace which shall not be constructed so as to prevent the Formation and the Emission of the opaque Smoke which would otherwise arise from such Furnace, or shall so negligently use any such Furnace as that opaque Smoke shall be formed and emitted therefrom, every Person so offending, being the Owner or Occupier of the Premises, or being a Foreman, Stoker, or other Person employed by such Owner or Occupier in connexion with such Furnace, shall, upon a summary Conviction for such Offence before any Justice or Justices, forfeit and pay a Sum not more than *Five Pounds* nor less than *Forty Shillings*, and upon a Second Conviction for such Offence a Sum not more than *Ten Pounds*, and for each subsequent Conviction a Sum not more than *Twenty Pounds*, and shall also pay to the local Authority or other Person complaining, as herein-after mentioned, the whole Costs incurred in the Proceedings for the Recovery of any such Penalty.

Furnaces used in Steam Vessels between London Bridge and any Place to Westward of Nore Light not to emit Smoke.

III. *From and after the passing of this Act* every Furnace used in the working of any Steam Vessel plying to and from any Place on the River Thames to the Westward of the Nore Light shall be constructed so as to prevent the Formation and the Emission of the opaque Smoke which would arise from such Engine and Furnace; and if after *the passing of this Act* any Furnace by which any Steam Vessel shall be worked while the same shall be plying on the River Thames to the Westward of the Nore Light shall not be constructed so as to prevent the Formation and Emission of the opaque Smoke which otherwise would arise from such Steam Engine or Furnace which shall be so constructed, or shall be wilfully or negligently used so that opaque Smoke shall be formed and emitted therefrom, the Owner, Master, Engineer, Stoker, or other Person having Charge of such Vessel

Vessel shall, on a summary Conviction for such Offence before any Justice or Justices, forfeit and pay any Sum not greater than *Five Pounds* nor less than *Forty Shillings*, and upon a Second Conviction for such Offence a Sum not more than *Ten Pounds*, and upon every other subsequent Conviction for such Offence a Sum not more than *Twenty Pounds*.

Penalties of this Act not to extend to Furnaces which have been so constructed or altered as to prevent as far as possible all Emission of Smoke.

IV. Provided always, That the Words "prevent the Formation and the Emission of the opaque Smoke" shall not be held in any Case to mean "prevent the Formation and the Emission of all the opaque Smoke," and that the Justice or Justices before whom any Person shall be summoned shall dismiss such Summons if he or they shall be of opinion that such Person has so constructed or altered his Furnace as to prevent the Formation and Emission as far as practicable of all the opaque Smoke which otherwise would arise from such Furnace, and has carefully attended to the same, and has prevented the Formation and the Emission as far as practicable of the opaque Smoke which otherwise would arise from such Furnace; and it shall be lawful for the said Justice or Justices, with the Consent or upon the Request of such Person, on the Hearing of the Summons for an Offence against this Act, to appoint a competent Person to examine such Furnace, and to report thereupon, whether it has been so constructed or altered.

No Complaint to be brought except by Local Authority, &c.

V. Provided always, That no Complaint shall be brought against any Person for the Recovery of any Penalty under this Act, except by the Local Authority, or by the Owner or Occupier of Premises with reference to which the Furnace is so situate as to create an Annoyance to the Occupiers of such Premises.

Power to appeal.

VI. Provided also, That in every Case of Conviction under this Act, any Person who shall think himself aggrieved by the Conviction may appeal to the Justices of the Peace in the Quarter Sessions to be holden for the County wherein the Cause of Complaint shall have arisen, provided that such Person at the Time of the Conviction, or within *Forty-eight Hours* thereafter, shall enter into a Recognizance with Two sufficient Sureties conditioned personally to appear at the said Sessions to try such Appeal, and to abide the further Judgment of the Justices at such Sessions assembled, and to pay such Costs as shall be by the said last-mentioned Justices awarded; and it shall be lawful for the Justice or Justices by whom such Order or Conviction shall have been made to bind over the Witnesses who shall have been examined in sufficient Recognizances to attend and be examined at the Hearing of such Appeal.

Appeal to be to Quarter Sessions and a Jury, or to Queen's Bench, on Facts stated.

VII. In case of such Appeal the Justices at the said Quarter Sessions shall, for the Purpose of determining whether the said Appellant or Appellants has or have used any such Furnace as herein-before described which shall not be constructed so as to prevent the Formation and the Emission of the opaque Smoke which otherwise would arise therefrom, or has or have negligently used any such Furnace as that opaque Smoke shall be formed and emitted therefrom, and, further, to determine whether such Person or Persons has or have so constructed or altered his or their Furnace as to prevent the Formation and the Emission, as far as practicable, of all the opaque Smoke which otherwise would arise from such Furnace, and has or have carefully attended to the same, and prevented the Formation and the Emission, as far as practicable, of the opaque Smoke which otherwise would arise from such Furnace, empannel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions, and if after hearing the Evidence produced before them the Jury shall return a Verdict that the said Appellant has used any such Furnace which shall not be constructed so as to prevent the Formation and the Emission of the opaque Smoke which otherwise would arise therefrom, or has so negligently used any such Furnace as that opaque Smoke shall be formed and emitted therefrom, and also that such such Person or Persons has or have not so constructed or altered his or their Furnace as to prevent the Formation and the Emission, as far as practicable, of all the opaque Smoke which otherwise would arise from such Furnace, and has not carefully attended to the same, or has not prevented the Formation and the Emission, as far as practicable, of the opaque Smoke which otherwise would arise from such Furnace, then the said Court of Quarter Sessions shall dismiss such Appeal, and order and award that the Costs of resisting such Appeal shall be paid by the Person or Persons appealing from such Conviction to the Local Authority or Person complaining as herein-before mentioned; but if the said Jury shall return a Verdict that such Person or Persons has or have not used any such Furnace, which shall not be constructed so as to prevent the Formation and Emission of the opaque Smoke which otherwise would arise therefrom, or has or have not so negligently used any such Furnace as that opaque Smoke shall be formed and emitted therefrom, or if the Jury shall return a Verdict that such Person or Persons has or have so constructed or altered his furnace as to prevent the Formation and Emission, as far as practicable, of all the Smoke which otherwise would arise from such Furnace, and has carefully attended to the same and prevented the Formation and the Emission, as far as practicable, of the Smoke which otherwise would arise from such Furnace, or in case such Local Authority or Person complaining, as herein-before mentioned, shall not appear when such Appeal shall come on for

for Trial, then the said Court of Quarter Sessions shall allow such Appeal and quash the said Conviction: Provided also, that in any Case of Appeal the Court of Quarter Sessions may, if they think fit, state the Evidence or the Facts found specially by the Jury for the Determination of Her Majesty's Court of Queen's Bench, in which Case it shall be lawful to remove the Proceedings by Writ of Certiorari or otherwise into the said Court of Queen's Bench, and such Court of Queen's Bench may draw the same Conclusions and Inferences that a Jury might or would draw from such Evidence or Facts so stated.

On Appeal the Respondents restricted to Evidence of same Offence for which Conviction made.

VIII. Provided always, That upon the Trial of such Appeal the Respondents shall not be allowed to give Evidence before the Jury of any other Offence against this Act than the Offence in respect of which Evidence had been given and a Conviction procured against the Appellant at the Hearing of the Summons before the said Justice or Justices, and upon which the said Order or Conviction had been made, although such other Offence had been committed on the same Day as the Offence in respect of which Evidence had been given and such Order or Conviction made against the Appellant.

Where Summons dismissed, Appeal allowed, or Respondents do not appear.

IX. If the Justice or Justices before whom a Summons for an Offence under this Act is heard shall dismiss such Summons, he or they shall award to the Person summoned such Costs as have been incurred in resisting such Summons, to be paid by the Local Authority or Person complaining as herein-before mentioned; and the Court of Quarter Sessions shall, in the event of allowing the Appeal against such Order or Conviction under this Act, and quashing such Order or Conviction, award to the Appellants such Costs and Expenses as shall be incurred in prosecuting such Appeal, to be paid by such Local Authority or Person complaining as herein-before mentioned; and if such Local Authority or Person complaining as herein-before mentioned shall not appear at the Time of such Appeal, the said Court of Quarter Sessions shall award the Costs of the Appellant to be paid by such Local Authority or Person complaining as herein-before mentioned.

Local Authority or their Officer may be empowered to enter and inspect Furnaces and Steam Engines.

X. If the Owner or Occupier of any Premises, or the Commander of any Steam Vessel, to which the Provisions of this Act shall apply shall, after the Emission of opaque Smoke from any Furnace in such Premises or on board such Steam Vessel, refuse to allow their Premises or Steam Vessel to be inspected by the Local Authority or their Officers between the Hours of *Nine* in the Morning and *Six* in the Evening, after Demand made by such Local Authority or their Officers, or any Person having Custody of the said Premises or Steam Vessel, of Admission to inspect and examine the Construction of the Furnaces

upon the same at any Hour between the Hours of *Nine* in the Morning and *Six* in the Evening, then any Justice having Jurisdiction in the Place may, on Oath made before him of Belief that there are Furnaces in such Premises or on board such Steam Vessel which are not constructed or altered so as to prevent the Formation and the Emission, as far as practicable, of all the opaque Smoke which would otherwise arise therefrom, and that opaque Smoke has been actually emitted therefrom, and after reasonable Notice of the intended Application to such Justice being given in Writing to such Owner, Occupier, or Commander, by Order under his Hand, require the Person having the Custody of such Premises or Steam Vessel to admit the Local Authority or their Officers; and whoever refuses to obey such Order for Admission in such Premises or on board such Steam Vessel of the Local Authority or their Officers, or wilfully obstructs any Person acting under the Authority or employed in the Execution of this Act, shall be liable, on summary Conviction before such Justices, for every such Offence to a Penalty not exceeding *Five Pounds*.

Definition of Metropolis, 15 & 16 Vict. c. 85., and Local Authority, 18 & 19 Vict. c. 121.

XI. In the Act the Expression "the Metropolis" shall have the same Meaning and Construction as is assigned to such Expression for the Purposes of the Act of the last Session of Parliament, Chapter Eighty-five, to amend the Laws concerning the Burial of the dead in the Metropolis; and the Expression "Local Authority" shall have the same Meaning and Construction as is assigned to such Expression in an Act passed in the Nineteenth Year of the Reign of Her present Majesty, intituled "The Nuisances Removal Act for England, 1855."

Not to affect 14 & 15 Vict. c. 75. or 16 & 17 Vict. c. 141.

XII. Nothing in this Act shall be held to alter or repeal any of the Provisions of the City of London Sewers Act, 1851, or of the Improvement Whitechapel Act, 1853.

Penalties, &c. to be recoverable according to 12 Vict. c. 43.

XIII. All Penalties by this Act imposed, and all Costs and Expenses ordered to be paid under the Provisions of this Act, shall be recoverable according to the Provisions of the Act of the Twelfth Year of Her present Majesty, Chapter Forty-three.

Local Authority may order Proceedings to be taken for Recovery of Penalties, &c.

XIV. The Local Authority may, within the Area of their Jurisdiction, order Proceedings to be taken for the Recovery of any Penalties, and for the Punishment of any Persons offending against the Provisions of this Act, or in relation to Appeals under this Act, and may order the Expenses of all such Proceedings to be paid out of the Rates or Funds to be administered by them under "The Nuisances Removal Act for England."

Smoke Nuisance Abatement, Metropolis.

A

BILL

To abate the Nuisance arising from the Smoke of Furnaces in the Metropolis, and from Steam Vessels plying to and from any Places on the River Thames to the Westward of the Nore Light.

(*Prepared and brought in by Mr. Ayrton and Sir James Duke.*)

Ordered, by The House of Commons, *to be Printed*, 17 *June* 1858.

[Bill 146.]

Under 1 *oz.*

A

BILL

FOR

Granting a Stamp Duty on certain Drafts or Orders for the Payment of Money.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the Supply granted to Your Majesty, have freely and voluntarily resolved to give and grant unto Your Majesty the Stamp Duty herein mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Grant of Stamp Duty on certain Drafts.

I. From and after the *passing of this Act* all Drafts or Orders for the Payment of any Sum of Money to the Bearer on Demand, which being drawn upon any Banker, or any Person or Persons acting as a Banker, and residing or transacting the Business of a Banker, within Fifteen Miles of the Place where such Drafts or Orders are issued, are now exempt from Stamp Duty, shall be chargeable with the Stamp Duty of *One Penny* for every such Draft or Order.

II. The

The Duty to be under the Care of the Commissioners of Inland Revenue.

Power and Provisions of former Acts to apply.

II. The Duty by this Act granted shall be under the Care and Management of the Commissioners of Inland Revenue for the Time being; and all the Powers, Provisions, and Regulations, Pains and Penalties, contained in or imposed by any Act or Acts relating to any Duties of the same Kind or Description payable in Great Britain and Ireland respectively, and in force at the Time of the *passing of this Act*, shall respectively be in full Force and Effect with respect to the Duty by this Act granted, and to the Paper and Instruments chargeable therewith, so far as the same are or shall be applicable, and shall be observed, applied, enforced, and put in execution for and in the collecting and securing of the said Duty hereby granted, and otherwise in relation thereto, so far as the same shall be consistent with the express Provisions of this Act, as fully and effectually to all Intents and Purposes as if the same had been herein repeated and specially enacted with reference to the said Duty by this Act granted.

Stamp Duty on Drafts.

A

BILL

For granting a Stamp Duty on certain Drafts or Orders for the Payment of Money.

(*Prepared and brought in by Mr. FitzRoy, Mr. Chancellor of the Exchequer, and Mr. Hamilton.*)

Ordered, by The House of Commons, *to be Printed,* 26 *April* 1858.

[Bill 64.]

Under 1 *oz.*

A

BILL

TO

Reduce the Stamp Duty on Passports.

WHEREAS it is expedient to reduce the Stamp Duty on Passports: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. That from and after the *passing of this Act* the Stamp Duty of Five Shillings now payable on a Passport shall be reduced to the Sum of *One Shilling*. Stamp Duty on Passports reduced.

[Bill 83.]

Stamp Duty on Passports.

A

BILL

To reduce the Stamp Duty on Passports.

(*Prepared and brought in by*
Mr. Hamilton and Mr. Seymour FitzGerald.)

Ordered, by The House of Commons, *to be Printed,*
12 *May* 1858.

[Bill 83.]

Under 1 *oz.*

Stanhope and Wolsingham Rectories Bill.

ARRANGEMENT OF CLAUSES.

Repeal of Part of Act 19 Car. 2. c. 15.; Sect. 1.

Tithe or Tenth of Lead Ore vested in Ecclesiastical Commissioners; 2.

Regulations as to Incomes of Rectors of Stanhope and Wolsingham to be partly made up from Common Fund of Ecclesiastical Commissioners; 3.

Mode of fixing Amounts to be paid by Ecclesiastical Commissioners; 4.

Proviso enabling Rectors to concur in Arrangements for Transfer of Tithe or Tenth during Incumbencies; 5.

Common Fund to be charged with Payment of annual Sums to Incumbents of St. John Weardale, Frosterley, Heathery Cleugh, Thornley, Eastgate, and Rookhope; 6.

Common Fund to be further charged with annual Sum for augmenting Incomes of Benefices, &c. in the County of Durham; 7.

Ecclesiastical Commissioners may substitute Lands, Tithe Rent-Charge, or other Hereditaments, for Payment out of Common Fund; 8.

Powers of Ecclesiastical Commissioners over Common Fund not to be prejudiced; 9.

Rights of Lessees not to be prejudiced; 10.

Short Title of Act; 11.

A

BILL

FOR

The future Appropriation of the Tithe or Tenth of Lead Ores in the Parishes of Stanhope and Wolsingham in the County of Durham belonging to the respective Rectors thereof, subject to the existing Incumbencies, and for making other Provisions for the Endowment of the said Rectories in lieu thereof, and for other Purposes connected therewith.

Preamble. 19 Car. 2. c. 15.

WHEREAS by a Private Act of Parliament passed in the Nineteenth Year of the Reign of His Majesty King Charles the Second, Chapter Fifteen, after reciting that Humphrey Wharton, Esquire, was seised for the Term of his Life, by virtue of a certain Grant from John then Lord Bishop of Durham, of the Office of Moorman otherwise Moormaster of all those Lead Mines, Lead, and Lead Ures, as well opened as not opened, gotten and to be gotten, within the Two Parishes of Stanhope and Wolsingham in the County Palatine of Durham, that did appertain to the said Lord Bishop under the antient Rent of the Lott Ure, which was the Ninth Part of all Lead Ure gotten in the said Mines, and

that divers great Sums o Money for Six Years last past had already been expended by the said Humphrey Wharton in casting of Levels for avoiding of Water, and sinking of Shafts for winning of certain Lead Mines there, which in all Likelihood would be a growing Charge for those Twenty Years next ensuing, without which Charge the Money already expended would be to no Purpose, and the said Lead Mines would be left unwon; and to the End and Purpose that the Lead Trade, then a staple Commodity in England, might be advanced by the Adventure of disbursing great Sums of Money, as also that the Episcopal Revenue of Durham might be thereby increased, it was enacted, that upon the Surrender of the Grant then in being to the Bishop for the Time being the said Lord Bishop of Durham and his Successors was and were thereby enabled to grant, under his or their County Palatine Seal of Durham, unto the said Humphrey Wharton, his Heirs and Assigns, or unto the Heirs and Assigns of the said Humphrey Wharton, the said Office of Moorman otherwise Moormaster, and all and singular the Lead Mines, Lead, and Lead Ures, as well opened as not opened, gotten and to be gotten, within the said Two Parishes, that did appertain to the said Lord Bishop, which were granted by him to the said Humphrey Wharton, with all and every their Appurtenances, together with all manner of Fees, Profits, Commodities, Liberties, and Advantages in anywise to the said Office belonging or appertaining, or which had been accepted, reputed, or taken as Part, Member, or Parcel of the said Offiee, or by any Ways or Means incident thereto, in as large and ample a Manner and Form as any other Person or Persons exercising the said Office of Moorman otherwise called Moormaster had theretofore occupied and enjoyed, or had or of Right might or ought to have enjoyed, had, or occupied the same, for and during the natural Lives of the said Humphrey Wharton, and Humphrey Wharton the younger and Robert Wharton, Two of the Sons of the said Humphrey Wharton the elder, and the longest Liver of them, and for and during the Life or Lives of such other Person or Persons, not exceeding the Number of Three Lives and the Life of the longest Liver of them, as the said Humphrey Wharton the elder, his Heirs or Assigns, should at the Time of such Grant make, nominate, and appoint, and that the said Grant so made might be good, effectual, and binding in Law to the Successors of the said Bishop, from Time to Time as they should happen to succeed in the said See, yielding and paying for the same unto the said John Lord Bishop of Durham and his Successors the Lott Ure or Ninth Part of all Lead Ore gotten in the said Mines from Time to Time as the same should accrue and be gotten, clean and well washed, and without Deduction of any manner of Charges for the winning, getting, or washing of the same, or any other Charges whatsoever, at the Feasts of Pentecost, Saint Peter ad Vincula commonly called Lammas

Lammas Day, Saint Martin the Bishop in Winter, and the Feast of the Purification of the Blessed Virgin Mary, commonly called Candlemas Day, by equal Portions, and also yielding and paying during the said Term of Three Lives unto the said John Lord Bishop of Durham during his Continuance in the said See of Durham the yearly Rent of One hundred and fifty Pounds, and yielding and paying during the said Term or the Residue thereof unto the Successors of the said present Lord Bishop the Sum of One hundred and fifty Pounds at the Feasts aforesaid, by even and equal Portions; and it was by the said Act further enacted, that the said John Lord Bishop of Durham and his Successors should and might from Time to Time thereafter for ever be enabled to grant the aforesaid Office and Lead Mines, with their Rights, Members, and Appurtenances, under his or their County Palatine Seal of Durham, to any Person or Persons, under the Rent of the Ninth Lot, and Rent in Money so reserved, payable as aforesaid, after the Determination, Surrender, or Expiration of the Grant thereafter to be made unto the said Humphrey Wharton, or unto his Heirs and Assigns, for Three Lives, in manner abovesaid, all which said Grants should be effectual and binding in Law to the Successors of the said Bishop from Time to Time as they should happen to succeed in the said See; and in the said Act is contained a Proviso that the said Humphrey Wharton and his Successors the Moormasters should pay or cause to be paid unto Isaac Basere, Doctor in Divinity, and then Rector of Stanhope in the County of Durham, and to his Successors the Rectors of Stanhope aforesaid, as also to the Rector of Wolsingham in the said County for the Time being, and his Successors, the full Tithe or Tenth Part of all Lead Oare or Ure digged, won, or gotten, or to be digged, won, or gotten out of all or any of the Lead Mines within the said Parishes of Stanhope and Wolsingham, in clean, well washed and dressed Oare, as soon as it was ready for the Smelting Mill, without any Abatement or Deduction of any Charges whatsoever for digging, working, or getting of the same Lead Oare, or for any other Cause whatsoever: And whereas after the passing of the said recited Act Leases were from Time to Time granted by the Lord Bishop of Durham for the Time being of the said Mines and Ures, and of the said Office of Moorman or Moormaster, pursuant to and in conformity with the Powers and Provisions of the said Act: And whereas by virtue of an Act of Parliament passed in the Session of the Third and Fourth Years of Her present Majesty's Reign, Chapter One hundred and thirteen, and of another Act passed in the Session of the Fourth and Fifth Years of Her said Majesty's Reign, Chapter Thirty-nine, and by virtue of an Order of Her said Majesty in Council, dated the Fourth Day of April One thousand eight hundred and fifty-six, and published in the London Gazette on the

3 & 4 Vict. c. 113.
4 & 5 Vict. c. 39.
Order in Council, 4th April 1856.

Twenty-second Day of April One thousand eight hundred and fifty-six, ratifying a Scheme of the Ecclesiastical Commissioners for England, with the Consent of the Right Reverend Edward then Bishop of Durham, testified by his Hand and Episcopal Seal being attached to the said Scheme, the Estate in Fee Simple of and in the said Office of Moorman otherwise Moormaster, and the said Lead Mines and Ures, has become and is now vested in the said Ecclesiastical Commissioners, to be held or disposed of in the Manner by the said last Two mentioned Acts or some other Act or Acts of Parliament relating to the said Commissioners concerning their Common Fund provided, but subject to and charged with the Payment to the Rector of Stanhope and the Rector of Wolsingham for the Time being respectively of the full Tithe or Tenth Part of all Lead Ore or Ure digged, won, or gotten out of all or any of the Lead Mines within the said Parishes of Stanhope and Wolsingham respectively, as in the said first recited Act mentioned, and to the Payment of a perpetual yearly Sum of One hundred and forty Pounds charged and made payable to the Perpetual Curate for the Time being of Lanchester in the County and Diocese of Durham, by a certain Indenture or Deed of Augmentation dated the Thirteenth Day of September One thousand eight hundred and thirty-four, and made between the Right Reverend William then Bishop of Durham of the one Part, and the Reverend Joseph Thompson, Clerk, the Perpetual Curate of Lanchester, of the other Part, and subject also to Two Leases granted of the said Office of Moorman or Moormaster, and several Portions of the said Lead Mines and Ures, by Two Indentures, each bearing Date the Sixteenth Day of July One thousand eight hundred and forty-seven, and made between the Right Reverend Edward then Bishop of Durham of the one Part, and John Stamforth Beckett, Esquire, of the other Part, for the Lives of the Persons in each of the said Indentures mentioned, and the Lives and Life of the Survivors and Survivor of them, at and under the Rents, Covenants, Conditions, and Agreements therein respectively reserved and contained: And whereas for the Purpose of carring into effect the Provisions of the said recited Acts of the Third and Fourth and the Fourth and Fifth Years of Her Majesty's Reign, and for promoting the greater Efficiency of the Established Church, it is expedient that the full Tithe or Tenth of Lead Ore or Ure belonging to the respective Rectors of Stanhope and Wolsingham aforesaid, subject and without Prejudice to the Rights of the Reverend William Nicholas Darnell, the present Rector of Stanhope, and the Reverend Charles Duberly, the present Rector of Wolsingham, respectively, so long as they shall continue Rectors of the said Rectories, should be vested in the said Ecclesiastical Commissioners for England, to be held and disposed of as Part of their aforesaid Common Fund, and that other Provision should be made in lieu thereof for the Endowment of the

the said Rectories respectively, and of the Churches or Chapels within the said Parishes of Stanhope and Wolsingham, and otherwise for promoting the Efficiency of the Established Church in the County of Durham: But inasmuch as such Object cannot be carried into effect without the Authority of Parliament; May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Repeal of Part of Act 19 Car. 2. c. 15.

I. The said recited Act of the Nineteenth Year of the Reign of King Charles the Second, Chapter Fifteen, so far as the same relates to the Payment or Render of the full Tithe or Tenth of Lead Ore or Ure to be digged, won, or gotten out of all or any of the Lead Mines within the said Parishes of Stanhope and Wolsingham respectively, to the future Rectors of the said Parishes respectively, shall be and the same is hereby repealed.

Tithe or Tenth of Lead Ore vested in Ecclesiastical Commissioners.

II. From and after the *passing of this Act*, the aforesaid full Tithe or Tenth of all the Lead Ore or Ure to be digged, won, or gotten out of all or any of the Lead Mines within the said Parishes of Stanhope and Wolsingham respectively, subject and without Prejudice to the Rights of the said Reverends William Nicholas Darnell and Charles Duberly, the present Rectors of the said Parishes respectively, to the same Tithe or Tenth, so long as they shall continue Rectors as aforesaid, and as well during the Continuance of the said Leases respectively as at all Times for ever after the Determination thereof, shall be and the same is hereby vested in the said Ecclesiastical Commissioners, their Successors and Assigns, freed and discharged from all Rights, Claims, or Demands of or by the succeeding Rectors thereof respectively, and to be held, possessed, and administered by the said Ecclesiastical Commissioners for the Purposes and according to the Provisions contained in the said Acts of the Third and Fourth and Fourth and Fifth Years of Her Majesty's Reign, or other Act or Acts of Parliament relating to Lands, Tenements, and Hereditaments vested in the said Ecclesiastical Commissioners under the same Acts or any of them, as Part of their Common Fund.

Regulations as to Incomes of Rectors of Stanhope and Wolsingham to be partly made up from Common Fund of

III. From and immediately after the next Vacancy of each of the said Rectories of Stanhope and Wolsingham respectively by the Death, Resignation, Cession, Deprivation, or other Avoidance of or by the present Rectors thereof, the Common Fund of the said Ecclesiastical Commissioners shall be and the same is hereby charged with the Payment in perpetuity of such annual Sums as, together with and including

Ecclesiastical Commissioners.

including all the then existing Endowments of the said Rectories respectively (except Surplice Fees), will make up an annual Income of *Two thousand Pounds* for the succeeding Rector of the Parish of Stanhope and his Successors, and an annual Income of *One thousand Pounds* for the succeeding Rector of Wolsingham and his Successors, each of the said annual Sums to be payable half yearly on the *First Day of May* and the *First Day of November* in every Year, and the First Payment to be of a proportionate Part calculated from the Day of the First Vacancy of each Rectory respectively, up to the *First Day of May* or the *First Day of November*, whichever shall then next follow, and on every succeeding Vacancy the then current half-yearly Payment shall be divisible between the last Incumbent, or his Representatives, and his Successor, according to the Provisions of the Act passed in the Session of the Fourth and Fifth Years of the Reign of His late Majesty King William the Fourth, Chapter Twenty-two.

Mode of fixing Amounts to be paid by Ecclesiastical Commissioners.

IV. For the Purpose of permanently fixing the Amount of the said annual Sums, the annual Income arising from the then existing Endowments of each of the said Rectories respectively at the Time of the next Vacancy thereof (except Surplice Fees) shall be ascertained and determined by the said Ecclesiastical Commissioners, with the Concurrence of the Bishop of Durham for the Time being, and a Certificate of the Amount of Income arising from such Endowments (except as aforesaid), under the Common Seal of the said Ecclesiastical Commissioners, and the Episcopal Seal of the said Bishop, shall be registered in the Registry of the said See, and the annual Sum to be paid out of the Common Fund for the Rector of each Rectory and his Successors shall thereupon be fixed and for ever thereafter remain and be of such Amount as will make up therewith the Amount of Income herein-before specified in respect of the same Rectory, irrespectively of any subsequent Variation in the Endowments thereof.

Proviso enabling Rectors to concur in Arrangements for Transfer of Tithe or Tenth during Incumbencies.

V. Provided, That by the Authority mentioned in the said recited Acts of the Third and Fourth and Fourth and Fifth Years of Her Majesty's Reign, that is to say, by a Scheme of the said Ecclesiastical Commissioners, and an Order of Her Majesty in Council ratifying the same, and with the Consent of each or either of the said present Rectors of Stanhope and Walsingham respectively, at any Time before his Avoidance of such Rectory, an Arrangement may be made for immediately carrying into effect the Substitution herein-before contemplated of a fixed annual Sum to make up the Income of such Rector and his Successors to the Amount herein-before specified, and to be payable out of the Common Fund of the said Ecclesiastical Commissioners as aforesaid, in lieu of his Tithe or Tenth of Lead Ore

Ore or Ure, and for the immediate Transfer or Surrender, by force of such Scheme, and of an Order of Her Majesty in Council confirming the same, of the Tithe or Tenth of the Lead Ore or Ure of such Rector to the said Ecclesiastical Commissioners and their Successors; and in such Case the Amount of the fixed annual Sum to be paid to such Rector and his Successors shall thereupon be ascertained and fixed in like Manner as is herein-before directed in that Behalf, and shall be payable half yearly on the Days aforesaid in each Year, the first Payment, being of a proportionate Part thereof, to be made on such One of the said Days as shall then next follow.

Common Fund to be charged with Payment of annual Sums to Incumbents of St. John Weardale, Frosterley, Heathery Cleugh, Thornley, Eastgate, and Rookhope.

VI. As soon as the said Tithe or Tenth of Lead Ore or Ure at present belonging to the Rector of Stanhope aforesaid shall have come into the Possession of the said Ecclesiastical Commissioners, either by the Avoidance of the said Rectory or by Arrangement with the present Rector thereof, under the Provisions herein-before contained, the Common Fund of the said Ecclesiastical Commissioners shall thenceforth and for ever thereafter be and the same is hereby charged with the Payment of such fixed annual Sum as, with other then existing Endowments (if any), exclusive of Surplice Fees, will make up for the Incumbent or Minister of each of the Churches or Chapels herein-after mentioned the annual Income herein-after specified; that is to say, for the Incumbent or Minister of each of the Churches or Chapels of Saint John Weardale, Frosterley, and Heathery Cleugh respectively an annual Income of *Four hundred Pounds* each; for the Incumbent or Minister of each of the Churches or Chapels of Eastgate and Rookhope respectively an annual Income of *Three hundred Pounds* each; and for the Incumbent or Minister of the Church or Chapel of Thornley an annual Income of *Two hundred and fifty Pounds;* and the permanent Amount of every such yearly Sum shall be fixed and determined in like Manner, and the same shall be payable by half-yearly Payments, on the same Days, and with the like Rule of Apportionment in respect to the first half-yearly Payments, and to the current half-yearly Payment at the Time of every future Vacancy of each Incumbency, as are herein-before specified in respect of the annual Sums to be provided for the Rectors of Stanhope and Wolsingham: Provided nevertheless, that, with respect to each of the Churches or Chapels to which a separate District, with exclusive Cure of Souls, shall not have then already been assigned, a District with Cure of Souls shall by the like Authority as is herein-before mentioned be assigned to the same; and the Patronage of all the said Churches or Chapels, with the Districts already assigned or to be assigned to the same, shall, subject and without Prejudice to the Rights of the said

William Nicholas Darnell and Charles Duberly, the present Rectors of Stanhope and Wolsingham respectively, so long as they shall continue such Rectors, become and for ever thereafter be vested in the Lord Bishop of Durham and his Successors: Provided also, that as to each of the said Churches or Chapels to which a District with separate Cure of Souls shall not then already have been assigned as aforesaid, the annual Sum herein-before provided to be paid to the Incumbent or Minister thereof shall commence only from the Time of a District being assigned thereto pursuant to the Provisions in this Act.

Common Fund to be further charged with annual Sum for augmenting Incomes of Rectories, Curacies, &c. in the County of Durham.

VII. As soon as the Tithe or Tenth of Lead Ore or Ure in the said Parish of Stanhope shall have come into the Possession of the said Ecclesiastical Commissioners, the Common Fund of the said Commissioners shall be and is hereby charged with the Payment in perpetuity of such further or additional yearly Sum as, with the aggregate Amount of the several annual Sums to be fixed and determined as herein-before mentioned, and hereby charged on the said Common Fund, for the Endowment or Augmentation of the Rectories of Stanhope and Wolsingham aforesaid, and the said Churches or Chapels of Saint John Weardale, Frosterley, Heathery Cleugh, Eastgate, Rookhope, and Thornley respectively, will make up a gross annual Charge of *Four thousand five hundred Pounds* upon the said Common Fund; and such further and additional yearly Sum shall by the Authority in the herein-before secondly recited Act provided be appropriated toward permanently augmenting or endowing such Benefices with Cure of Souls within the County of Durham, and in the Patronage or alternate Patronage of the Bishop of Durham for the Time being, as shall be selected by the said Bishop, and approved by the said Commissioners.

Ecclesiastical Commissioners may substitute Lands, Tithe Rentcharge, or other Hereditaments for Payment out of Common Fund.

VIII. It shall be lawful for the said Ecclesiastical Commissioners, at any Time after the annual Sum herein-before provided to be paid to the Rectors of Stanhope and Wolsingham, and the Incumbents or Ministers of the said several Churches or Chapels respectively, shall have been fixed and become payable as aforesaid, by a Scheme prepared by the said Ecclesiastical Commissioners, with the Consent of the Bishop of Durham for the Time being, and the Rector, Incumbent, or Minister of each of the said Rectories, Churches, or Chapels for the Time being, and ratified by an Order of Her Majesty in Council to be published in the London Gazette, to appropriate and set apart, for the Use of such Rector, Incumbent, or Minister respectively, and his Successors, in lieu of the said annual Sum directed to be paid to him and them out of the Common Fund of the said Ecclesiastical Commissioners, such specific Lands, Tithe Rentcharge, or other Hereditaments

Hereditaments as, according to the Certificate of Two competent Surveyors, one to be appointed by the said Ecclesiastical Commissioners and the other by such Rector or Incumbent for the Time being, or of an Umpire to be appointed by such Surveyor, shall appear to be equivalent at least to produce a clear yearly Sum, after Payment of all Outgoings (except the Income Tax, if any), equal to the annual Sum herein-before provided for such Rector, Incumbent, or Minister, and his Successors; and from and after the Time which shall be fixed for that Purpose by the said Scheme, and after the same Scheme shall have come into operation, the Lands, Tithe Rentcharge, or other Hereditaments so appropriated for such Rector, Incumbent, or Minister, and his Successors, shall, by force of this Act, and of such last-mentioned Scheme or Schemes so ratified as aforesaid, without any further Conveyance, be vested in such Rector, Incumbent, or Minister, and his Successors, as Part of the Endowment of his Rectory, Church, or Chapel, and the Common Fund of the said Ecclesiastical Commissioners shall thenceforth and at all Times for ever thereafter be and remain vested in the said Ecclesiastical Commissioners and their Successors, freed and discharged from all Claims and Demands by or on behalf of the Rector, Incumbent, or Minister of the same Rectory, Church, or Chapel, or his Successors.

Powers of Ecclesiastical Commissioners over Common Fund not to be prejudiced.

IX. Provided, That notwithstanding the Payments by this Act charged upon the Common Fund of the said Ecclesiastical Commissioners, which said Payments are hereby declared to be wholly irrespective and independent of the Amount which may from Time to Time be realized by the said Commissioners, and their Successors or Assigns, from the said Tithe or Tenth Part of the Lead Ore or Ure to be digged, won, or gotten out of all or any of the said Lead Mines within the said Parishes of Stanhope and Wolsingham respectively, as aforesaid, all the Rights, Powers, and Authorities vested in the said Commissioners in or over their Common Fund at the Time of the passing of this Act shall continue in full Force, and be henceforth enjoyed, exercised, and performed by them and their Successors in respect of such Common Fund, including the Tithe or Tenth Part of Lead Ore or Ure vested or which shall become vested in them under this Act.

Rights of Lessees not to be prejudiced.

X. Provided also, That nothing in this Act contained shall be deemed or operate to abridge or prejudice any Right, Claims, Privileges, or Immunities whatsoever in respect of the said Lead Ore or Ure to which the Perpetual Curate of Lanchester aforesaid for the Time being, or the Person or Persons claiming under the said Indentures

tures of Lease or either of them, is, are, or would have been lawfully entitled if this Act had not been passed.

Short Title.

XI. For all Purposes of Recital or Reference, it shall be sufficient in all Cases to mention this Act as "The Stanhope and Wolsingham Rectories Act, 1858."

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Stanhope and Wolsingham Rectories.

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B I L L

For the future Appropriation of the Tithe or Tenth of Lead Ores in the Parishes of Stanhope and Wolsingham in the County of Durham belonging to the respective Rectors thereof, subject to the existing Incumbencies, and for making other Provisions for the Endowment of the said Rectories in lieu thereof, and for other Purposes connected therewith.

(Prepared and brought in by Lord Harry Vane, Mr. Ingham, Mr. Secretary Walpole, and Mr. Hardy.)

Ordered, by The House of Commons, *to be Printed,* 10 *May* 1858.

[Bill 80.]

Under 2 oz.

Stanhope and Wolsingham Rectories Bill.

[AS AMENDED BY THE SELECT COMMITTEE].

ARRANGEMENT OF CLAUSES.

Repeal of Part of Act 19 Car. 2. c. 15.; Sect. 1.

Tithe or Tenth of Lead Ore vested in Ecclesiastical Commissioners; 2.

Regulations as to Incomes of Rectors of Stanhope and Wolsingham to be partly made up from Common Fund of Ecclesiastical Commissioners; 3.

Mode of fixing Amounts to be paid by Ecclesiastical Commissioners; 4.

Proviso enabling Rectors to concur in Arrangements for Transfer of Tithe or Tenth during Incumbencies; 5.

Common Fund to be charged with Payment of annual Sums to Incumbents of St. John Weardale, Frosterley, Heathery Cleugh, Eastgate, Rookhope, and Thornley; 6.

Common Fund to be further charged with annual Sum for augmenting Incomes of Benefices, &c. in the County of Durham; 7.

Ecclesiastical Commissioners may substitute Lands, Tithe Rent Charge, or other Hereditaments, for Payment out of Common Fund; 8.

Powers of Ecclesiastical Commissioners over Common Fund not to be prejudiced; 9.

Rights of Lessees not to be prejudiced; 10.

Short Title of Act; 11.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

FOR

The future Appropriation of the Tithe or Tenth of Lead Ores in the Parishes of Stanhope and Wolsingham in the County of Durham belonging to the respective Rectors thereof, subject to the existing Incumbencies, and for making other Provisions for the Endowment of the said Rectories in lieu thereof, and for other Purposes connected therewith.

WHEREAS by a Private Act of Parliament passed in the Nineteenth Year of the Reign of His Majesty King Charles the Second, Chapter Fifteen, after reciting that Humphrey Wharton, Esquire, was seised for the Term of his Life, by virtue of a certain Grant from John then Lord Bishop of Durham, of the Office of Moorman otherwise Moormaster of all those Lead Mines, Lead, and Lead Ures, as well opened as not opened, gotten and to be gotten, within the Two Parishes of Stanhope and Wolsingham in the County Palatine of Durham, that did appertain to the said Lord Bishop under the antient Rent of the Lott Ure, which was the Ninth Part of all Lead Ure gotten in the said Mines, and

Preamble. 19 Car. 2. c. 15.

that divers great Sums of Money for Six Years last past had already been expended by the said Humphrey Wharton in casting of Levels for avoiding of Water, and sinking of Shafts for winning of certain Lead Mines there, which in all Likelihood would be a growing Charge for those Twenty Years next ensuing, without which Charge the Money already expended would be to no Purpose, and the said Lead Mines would be left unwon; and to the End and Purpose that the Lead Trade, then a staple Commodity in England, might be advanced by the Adventure of disbursing great Sums of Money, as also that the Episcopal Revenue of Durham might be thereby increased, it was enacted, that upon the Surrender of the Grant then in being to the Bishop for the Time being the said Lord Bishop of Durham and his Successors was and were thereby enabled to grant, under his or their County Palatine Seal of Durham, unto the said Humphrey Wharton, his Heirs and Assigns, or unto the Heirs and Assigns of the said Humphrey Wharton, the said Office of Moorman otherwise Moormaster, and all and singular the Lead Mines, Lead, and Lead Ures, as well opened as not opened, gotten and to be gotten, within the said Two Parishes, that did appertain to the said Lord Bishop, which were granted by him to the said Humphrey Wharton, with all and every their Appurtenances, together with all manner of Fees, Profits, Commodities, Liberties, and Advantages in anywise to the said Office belonging or appertaining, or which had been accepted, reputed, or taken as Part, Member, or Parcel of the said Office, or by any Ways or Means incident thereto, in as large and ample a Manner and Form as any other Person or Persons exercising the said Office of Moorman otherwise called Moormaster had theretofore occupied and enjoyed, or had or of Right might or ought to have enjoyed, had, or occupied the same, for and during the natural Lives of the said Humphrey Wharton, and Humphrey Wharton the younger and Robert Wharton, Two of the Sons of the said Humphrey Wharton the elder, and the longest Liver of them, and for and during the Life or Lives of such other Person or Persons, not exceeding the Number of Three Lives and the Life of the longest Liver of them, as the said Humphrey Wharton the elder, his Heirs or Assigns, should at the Time of such Grant make, nominate, and appoint, and that the said Grant so made might be good, effectual, and binding in Law to the Successors of the said Bishop, from Time to Time as they should happen to succeed in the said See, yielding and paying for the same unto the said John Lord Bishop of Durham and his Successors the Lott Ure or Ninth Part of all Lead Ore gotten in the said Mines from Time to Time as the same should accrue and be gotten, clean and well washed, and without Deduction of any manner of Charges for the winning, getting, or washing of the same, or any other Charges whatsoever, at the Feasts of Pentecost, Saint Peter ad Vincula commonly called Lammas

Lammas Day, Saint Martin the Bishop in Winter, and the Feast of the Purification of the Blessed Virgin Mary, commonly called Candlemas Day, by equal Portions, and also yielding and paying during the said Term of Three Lives unto the said John Lord Bishop of Durham during his Continuance in the said See of Durham the yearly Rent of One hundred and fifty Pounds, and yielding and paying during the said Term or the Residue thereof unto the Successors of the said present Lord Bishop the Sum of One hundred and fifty Pounds at the Feasts aforesaid, by even and equal Portions; and it was by the said Act further enacted, that the said John Lord Bishop of Durham and his Successors should and might from Time to Time thereafter for ever be enabled to grant the aforesaid Office and Lead Mines, with their Rights, Members, and Appurtenances, under his or their County Palatine Seal of Durham, to any Person or Persons, under the Rent of the Ninth Lot, and Rent in Money so reserved, payable as aforesaid, after the Determination, Surrender, or Expiration of the Grant thereafter to be made unto the said Humphrey Wharton, or unto his Heirs and Assigns, for Three Lives, in manner abovesaid, all which said Grants should be effectual and binding in Law to the Successors of the said Bishop from Time to Time as they should happen to succeed in the said See; and in the said Act is contained a Proviso that the said Humphrey Wharton and his Successors the Moormasters should pay or cause to be paid unto Isaac Basere, Doctor in Divinity, and then Rector of Stanhope in the County of Durham, and to his Successors the Rectors of Stanhope aforesaid, as also to the Rector of Wolsingham in the said County for the Time being, and his Successors, the full Tithe or Tenth Part of all Lead Oare or Ure digged, won, or gotten, or to be digged, won, or gotten out of all or any of the Lead Mines within the said Parishes of Stanhope and Wolsingham, in clean, well washed and dressed Oare, as soon as it was ready for the Smelting Mill, without any Abatement or Deduction of any Charges whatsoever for digging, working, or getting of the same Lead Oare, or for any other Cause whatsoever: And whereas after the passing of the said recited Act Leases were from Time to Time granted by the Lord Bishop of Durham for the Time being of the said Mines and Ures, and of the said Office of Moorman or Moormaster, pursuant to and in conformity with the Powers and Provisions of the said Act: And whereas by virtue of an Act of Parliament passed in the Session of the Third and Fourth Years of Her present Majesty's Reign, Chapter One hundred and thirteen, and of another Act passed in the Session of the Fourth and Fifth Years of Her said Majesty's Reign, Chapter Thirty-nine, and by virtue of an Order of Her said Majesty in Council, dated the Fourth Day of April One thousand eight hundred and fifty-six, and published in the London Gazette on the

3 & 4 Vict. c. 113.
4 & 5 Vict. c. 39.
Order in Council, 4th April 1856.

Twenty-second Day of April One thousand eight hundred and fifty-six, ratifying a Scheme of the Ecclesiastical Commissioners for England, with the Consent of the Right Reverend Edward then Bishop of Durham, testified by his Hand and Episcopal Seal being attached to the said Scheme, the Estate in Fee Simple of and in the said Office of Moorman otherwise Moormaster, and the said Lead Mines and Ures, has become and is now vested in the said Ecclesiastical Commissioners, to be held or disposed of in the Manner by the said last Two mentioned Acts or some other Act or Acts of Parliament relating to the said Commissioners concerning their Common Fund provided, but subject to and charged with the Payment to the Rector of Stanhope and the Rector of Wolsingham for the Time being respectively of the full Tithe or Tenth Part of all Lead Ore or Ure digged, won, or gotten out of all or any of the Lead Mines within the said Parishes of Stanhope and Wolsingham respectively, as in the said first recited Act mentioned, and to the Payment of a perpetual yearly Sum of One hundred and forty Pounds charged and made payable to the Perpetual Curate for the Time being of Lanchester in the County and Diocese of Durham, by a certain Indenture or Deed of Augmentation dated the Thirteenth Day of September One thousand eight hundred and thirty-four, and made between the Right Reverend William then Bishop of Durham of the one Part, and the Reverend Joseph Thompson, Clerk, the Perpetual Curate of Lanchester, of the other Part, and subject also to Two Leases granted of the said Office of Moorman or Moormaster, and several Portions of the said Lead Mines and Ures, by Two Indentures, each bearing Date the Sixteenth Day of July One thousand eight hundred and forty-seven, and made between the Right Reverend Edward then Bishop of Durham of the one Part, and John Staniforth Beckett, Esquire, of the other Part, for the Lives of the Persons in each of the said Indentures mentioned, and the Lives and Life of the Survivors and Survivor of them, at and under the Rents, Covenants, Conditions, and Agreements therein respectively reserved and contained: And whereas for the Purpose of carring into effect the Provisions of the said recited Acts of the Third and Fourth and the Fourth and Fifth Years of Her Majesty's Reign, and for promoting the greater Efficiency of the Established Church, it is expedient that the full Tithe or Tenth of Lead Ore or Ure belonging to the respective Rectors of Stanhope and Wolsingham aforesaid, subject and without Prejudice to the Rights of the Reverend William Nicholas Darnell, the present Rector of Stanhope, and the Reverend Charles Duberly, the present Rector of Wolsingham, respectively, so long as they shall continue Rectors of the said Rectories, should be vested in the said Ecclesiastical Commissioners for England, to be held and disposed of as Part of their aforesaid Common Fund, and that other Provision should be made in lieu thereof for the Endowment of the

the said Rectories respectively, and of the Churches or Chapels within the said Parishes of Stanhope and Wolsingham, and otherwise for promoting the Efficiency of the Established Church in the County of Durham: But inasmuch as such Object cannot be carried into effect without the Authority of Parliament; May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Repeal of Part of Act 19 Car. 2. c. 15.

I. The said recited Act of the Nineteenth Year of the Reign of King Charles the Second, Chapter Fifteen, so far as the same relates to the Payment or Render of the full Tithe or Tenth of Lead Ore or Ure to be digged, won, or gotten out of all or any of the Lead Mines within the said Parishes of Stanhope and Wolsingham respectively, to the future Rectors of the said Parishes respectively, shall be and the same is hereby repealed.

Tithe or Tenth of Lead Ore vested in Ecclesiastical Commissioners.

II. From and after the passing of this Act, the aforesaid full Tithe or Tenth of all the Lead Ore or Ure to be digged, won, or gotten out of all or any of the Lead Mines within the said Parishes of Stanhope and Wolsingham respectively, subject and without Prejudice to the Rights of the said Reverend William Nicholas Darnell and Charles Duberly, the present Rectors of the said Parishes respectively, to the same Tithe or Tenth, so long as they shall continue Rectors as aforesaid, and as well during the Continuance of the said Leases respectively as at all Times for ever after the Determination thereof, shall be and the same is hereby vested in the said Ecclesiastical Commissioners, their Successors and Assigns, freed and discharged from all Rights, Claims, or Demands of or by the succeeding Rectors thereof respectively, and to be held, possessed, and administered by the said Ecclesiastical Commissioners for the Purposes and according to the Provisions contained in the said Acts of the Third and Fourth and Fourth and Fifth Years of Her Majesty's Reign, or other Act or Acts of Parliament relating to Lands, Tenements, and Hereditaments vested in the said Ecclesiastical Commissioners under the same Acts or any of them, as Part of their Common Fund.

Regulations as to Incomes of Rectors of Stanhope and Wolsingham to be partly made up from Common Fund of

III. From and immediately after the next Vacancy of each of the said Rectories of Stanhope and Wolsingham respectively by the Death, Resignation, Cession, Deprivation, or other Avoidance of or by the present Rectors thereof, the Common Fund of the said Ecclesiastical Commissioners shall be and the same is hereby charged with the Payment in perpetuity of such annual Sums as, together with and including

Ecclesiastical Commissioners.

including all the then existing Endowments of the said Rectories respectively (except Surplice Fees), will make up an annual Income of One thousand six hundred and fifty Pounds for the succeeding Rector of the Parish of Stanhope and his Successors, and an annual Income of One thousand Pounds for the succeeding Rector of Wolsingham and his Successors, each of the said annual Sums to be payable half-yearly on the First Day of May and the First Day of November in every Year, and the First Payment to be of a proportionate Part calculated from the Day of the First Vacancy of each Rectory respectively, up to the First Day of May or the First Day of November, whichever shall then next follow, and on every succeeding Vacancy the then current half-yearly Payment shall be divisible between the last Incumbent, or his Representatives, and his Successor, according to the Provisions of the Act passed in the Session of the Fourth and Fifth Years of the Reign of His late Majesty King William the Fourth, Chapter Twenty-two.

Mode of fixing Amounts to be paid by Ecclesiastical Commissioners.

IV. For the Purpose of permanently fixing the Amount of the said annual Sums, the annual Income arising from the then existing Endowments of each of the said Rectories respectively at the Time of the next Vacancy thereof (except Surplice Fees) shall be ascertained and determined by the said Ecclesiastical Commissioners, with the Concurrence of the Bishop of Durham for the Time being, and a Certificate of the Amount of Income arising from such Endowments (except as aforesaid), under the Common Seal of the said Ecclesiastical Commissioners, and the Episcopal Seal of the said Bishop, shall be registered in the Registry of the said See, and the annual Sum to be paid out of the Common Fund for the Rector of each Rectory and his Successors shall thereupon be fixed and for ever thereafter remain and be of such Amount as will make up therewith the Amount of Income herein-before specified in respect of the same Rectory, irrespectively of any subsequent Variation in the Endowments thereof.

Proviso enabling Rectors to concur in Arrangements for Transfer of Tithe or Tenth during Incumbencies.

V. Provided, That by the Authority mentioned in the said recited Acts of the Third and Fourth and Fourth and Fifth Years of Her Majesty's Reign, that is to say, by a Scheme of the said Ecclesiastical Commissioners, and an Order of Her Majesty in Council ratifying the same, and with the Consent of each or either of the said present Rectors of Stanhope and Wolsingham respectively, at any Time before his Avoidance of such Rectory, an Arrangement may be made for immediately carrying into effect the Substitution herein-before contemplated of a fixed annual Sum to make up the Income of such Rector and his Successors to the Amount herein-before specified, and to be payable out of the Common Fund of the said Ecclesiastical Commissioners as aforesaid, in lieu of his Tithe or Tenth of Lead Ore

Ore or Ure, and for the immediate Transfer or Surrender, by force of such Scheme, and of an Order of Her Majesty in Council confirming the same, of the Tithe or Tenth of the Lead Ore or Ure of such Rector to the said Ecclesiastical Commissioners and their Successors; and in such Case the Amount of the fixed annual Sum to be paid to such Rector and his Successors shall thereupon be ascertained and fixed in like Manner as is herein-before directed in that Behalf, and shall be payable half yearly on the Days aforesaid in each Year, the first Payment, being of a proportionate Part thereof, to be made on such One of the said Days as shall then next follow.

Common Fund to be charged with Payment of annual Sums to Incumbents of St. John Weardale, Frosterley, Heathery Cleugh, Eastgate, Rookhope, and Thornley.

VI. As soon as the said Tithe or Tenth of Lead Ore or Ure at present belonging to the Rector of Stanhope aforesaid shall have come into the Possession of the said Ecclesiastical Commissioners, either by the Avoidance of the said Rectory or by Arrangement with the present Rector thereof, under the Provisions herein-before contained, the Common Fund of the said Ecclesiastical Commissioners shall thenceforth and for ever thereafter be and the same is hereby charged with the Payment of such fixed annual Sum as, with other then existing Endowments (if any), exclusive of Surplice Fees, will make up for the Incumbent or Minister of each of the Churches or Chapels of Saint John Weardale, Frosterley, Heathery Cleugh, Eastgate, Rookhope, and Thornley an annual Income of Four hundred Pounds; and the permanent Amount of every such yearly Sum shall be fixed and determined in like Manner, and the same shall be payable by half-yearly Payments, on the same Days, and with the like Rule of Apportionment in respect to the first half-yearly Payments, and to the current half-yearly Payment at the Time of every future Vacancy of each Incumbency, as are herein-before specified in respect of the annual Sums to be provided for the Rectors of Stanhope and Wolsingham: Provided nevertheless, that, with respect to each of the Churches or Chapels to which a separate District, with exclusive Cure of Souls, shall not have then already been assigned, a District with Cure of Souls shall by the like Authority as is herein-before mentioned be assigned to the same; and the Patronage of all the said Churches or Chapels, with the Districts already assigned or to be assigned to the same, shall, subject and without Prejudice to the Rights of the said William Nicholas Darnell and Charles Duberly, the present Rectors of Stanhope and Wolsingham respectively, so long as they shall continue such Rectors, become and for ever thereafter be vested in the Lord Bishop of Durham and his Successors: Provided also, that as to each of the said Churches or Chapels to which a District with separate Cure of Souls shall not then already have been assigned as

aforesaid, the annual Sum herein-before provided to be paid to the Incumbent or Minister thereof shall commence only from the Time of a District being assigned thereto pursuant to the Provisions in this Act.

Common Fund to be further charged with annual Sum for augmenting Incomes of Rectories, Curacies, &c. in the County of Durham.

VII. As soon as the Tithe or Tenth of Lead Ore or Ure in the said Parish of Stanhope shall have come into the Possession of the said Ecclesiastical Commissioners, the Common Fund of the said Commissioners shall be and is hereby charged with the Payment in perpetuity of such further or additional yearly Sum as, with the aggregate Amount of the several annual Sums to be fixed and determined as herein-before mentioned, and hereby charged on the said Common Fund, for the Endowment or Augmentation of the Rectories of Stanhope and Wolsingham aforesaid, and the said Churches or Chapels of Saint John Weardale, Frosterley, Heathery Cleugh, Eastgate, Rookhope, and Thornley respectively, will make up a gross annual Charge of Four thousand five hundred Pounds upon the said Common Fund; and such further and additional yearly Sum shall by the Authority in the herein-before secondly recited Act provided be appropriated toward permanently augmenting or endowing such Benefices with Cure of Souls within the County of Durham, and in the Patronage or alternate Patronage of the Bishop of Durham for the Time being, as shall be selected by the said Bishop, and approved by the said Commissioners.

Ecclesiastical Commissioners may substitute Lands, Tithe Rentcharge, or other Hereditaments for Payment out of Common Fund.

VIII. It shall be lawful for the said Ecclesiastical Commissioners, at any Time after the annual Sum herein-before provided to be paid to the Rectors of Stanhope and Wolsingham, and the Incumbents or Ministers of the said several Churches or Chapels respectively, shall have been fixed and become payable as aforesaid, by a Scheme prepared by the said Ecclesiastical Commissioners, with the Consent of the Bishop of Durham for the Time being, and the Rector, Incumbent, or Minister of each of the said Rectories, Churches, or Chapels for the Time being, and ratified by an Order of Her Majesty in Council to be published in the London Gazette, to appropriate and set apart, for the Use of such Rector, Incumbent, or Minister respectively, and his Successors, in lieu of the said annual Sum directed to be paid to him and them out of the Common Fund of the said Ecclesiastical Commissioners, such specific Lands, Tithe Rentcharge, or other Hereditaments as, according to the Certificate of Two competent Surveyors, one to be appointed by the said Ecclesiastical Commissioners and the other by such Rector or Incumbent for the Time being, or of an Umpire to be appointed by such Surveyor, shall appear to be equivalent at least to produce a clear yearly Sum, after Payment of all Outgoings (except the Income Tax, if any

any), equal to the annual Sum herein-before provided for such Rector, Incumbent, or Minister, and his Successors; and from and after the Time which shall be fixed for that Purpose by the said Scheme, and after the same Scheme shall have come into operation, the Lands, Tithe Rentcharge, or other Hereditaments so appropriated for such Rector, Incumbent, or Minister, and his Successors, shall, by force of this Act, and of such last-mentioned Scheme or Schemes so ratified as aforesaid, without any further Conveyance, be vested in such Rector, Incumbent, or Minister, and his Successors, as Part of the Endowment of his Rectory, Church, or Chapel, and the Common Fund of the said Ecclesiastical Commissioners shall thenceforth and at all Times for ever thereafter be and remain vested in the said Ecclesiastical Commissioners and their Successors, freed and discharged from all Claims and Demands by or on behalf of the Rector, Incumbent, or Minister of the same Rectory, Church, or Chapel, or his Successors.

Powers of Ecclesiastical Commissioners over Common Fund not to be prejudiced.

IX. Provided, That notwithstanding the Payments by this Act charged upon the Common Fund of the said Ecclesiastical Commissioners, which said Payments are hereby declared to be wholly irrespective and independent of the Amount which may from Time to Time be realized by the said Commissioners, and their Successors or Assigns, from the said Tithe or Tenth Part of the Lead Ore or Ure to be digged, won, or gotten out of all or any of the said Lead Mines within the said Parishes of Stanhope and Wolsingham respectively, as aforesaid, all the Rights, Powers, and Authorities vested in the said Commissioners in or over their Common Fund at the Time of the passing of this Act shall continue in full Force, and be henceforth enjoyed, exercised, and performed by them and their Successors in respect of such Common Fund, including the Tithe or Tenth Part of Lead Ore or Ure vested or which shall become vested in them under this Act.

Rights of Lessees not to be prejudiced.

X. Provided also, That nothing in this Act contained shall be deemed or operate to abridge or prejudice any Right, Claims, Privileges, or Immunities whatsoever in respect of the said Lead Ore or Ure to which the Perpetual Curate of Lanchester aforesaid for the Time being, or the Person or Persons claiming under the said Indentures of Lease or either of them, is, are, or would have been lawfully entitled if this Act had not been passed.

Short Title.

XI. For all Purposes of Recital or Reference, it shall be sufficient in all Cases to mention this Act as "The Stanhope and Wolsingham Rectories Act, 1858."

Stanhope and Wolsingham Rectories.

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BILL

[AS AMENDED BY THE SELECT COMMITTEE]

For the future Appropriation of the Tithe or Tenth of Lead Ores in the Parishes of Stanhope and Wolsingham in the County of Durham belonging to the respective Rectors thereof, subject to the existing Incumbencies, and for making other Provisions for the Endowment of the said Rectories in lieu thereof, and for other Purposes connected therewith.

(*Prepared and brought in by Lord Harry Vane, Mr. Ingham, Mr. Secretary Walpole, and Mr. Hardy.*)

Ordered, by The House of Commons, *to be Printed,* 14 *June* 1858.

[Bill 128.]

Under 2 oz.

A

B I L L

TO

Amend the Law concerning the Powers of Stipendiary Magistrates and Justices of the Peace in certain Cases.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

A Stipendiary Magistrate may do alone all Acts authorized to be done by Two Justices.

I. Every Stipendary Magistrate appointed for any City, Town, Liberty, Borough, Place, or District, sitting at a Police Court or other Place appointed in that Behalf, shall have Power to do alone any Act and to exercise alone any Jurisdiction which under any Law now in force, or under any Law not containing an express Enactment to the contrary hereafter to be made, may be done or exercised by Two Justices of the Peace, and all the Provisions of any Act of Parliament auxiliary to the Jurisdiction of such Justices shall be applicable also to the Jurisdiction of such Stipendiary Magistrate.

Foregoing Enactment to extend to Acts required

II. The Authority and Jurisdiction given to a Stipendiary Magistrate by the Enactment herein-before contained shall extend and apply

to be done at Petty Sessions.

apply as well to the Cases where the Act or Jurisdiction is or hereafter may be expressly required to be done or exercised by Justices sitting or acting in Petty Sessions as to other Cases, and any Enactment authorizing or requiring Persons to be summoned or to appear at such Petty Sessions shall in the like Cases authorize or require Persons to be summoned or to appear before the Stipendiary Magistrate having Jurisdiction at the Police Court or other Place appointed for his sitting.

Saving of Jurisdiction of Quarter Sessions and Special Sessions, and as to Licences.

III. Nothing herein-before contained shall extend to Acts to be done or Jurisdiction to be exercised at the General or Quarter Sessions of the Peace, or to Acts or Jurisdiction expressly required (by any existing or future Law) to be done or exercised at Special Sessions, or to any Act or Jurisdiction in relation to the Grant or Transfer of any Licence.

Saving as to Metropolitan Police Magistrates.

IV. Nothing herein-before contained shall extend, alter, or affect in any Manner the Powers or Authorities of the Magistrates appointed or to be appointed to the Police Courts in the Metropolitan Police District.

11 & 12 Vict. c. 43. s. 22. explained.

V. Section Twenty-two of the Act of the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter Forty-three, shall extend and be deemed to have extended to all Cases in which it is returned to a Warrant of Distress issued under the Authority of such Act for levying any Penalty, Compensation, or Sum of Money adjudged or ordered to be paid by any Conviction or Order that no sufficient Goods of the Party against whom such Warrant was issued can be found, where the Statute on which the Conviction or Order is founded provides no Mode of raising or levying such Penalty, Compensation, or Sum of Money, or of enforcing Payment of the same, as well as to Cases where the Statute on which the Conviction or Order is founded authorizes the issuing thereon of a Warrant of Distress.

2 & 3 Vict. c. 71. s. 18. amended.

VI. So much of Section Eighteen of the Act of the Session holden in the Second and Third Years of Her Majesty, Chapter Seventy-one, as makes void (except in the Cases therein excepted) "every "Summons or Warrant issued by any Justice of the Peace of the "Counties of Middlesex, Surrey, Kent, Essex, or Hertfordshire "respectively, requiring any Person residing within the Metropolitan "Police District to appear at any Place without the said District to "answer any Information or Complaint touching any Matter "arising

"arising within the said District," shall not apply to any such Summons or Warrant in respect of any Matter arising within any Part of the said District not assigned for the Time being to any of the Police Courts of the Metropolis.

Magistrates acting for Places in the Metropolitan Police District within which no Police Court is established may commit certain Offenders to any Gaol in and for the County in which Offence shall have been committed.

VII. In every Case in which any Person shall be brought before any Police Magistrate, or any Two Magistrates acting within the said Metropolitan Police District, for any Place within which no Police Court shall have been established, for any Offence under the Twenty-fourth Section of an Act of the Session holden in the Second and Third Years of Her Majesty, Chapter Seventy-one, such Police Magistrate, or such Magistrates acting in and for such Place, may hear and determine the Matter, and in case of Conviction may commit the Offender to be imprisoned in any Gaol or House of Correction in and for the County in which such Offence shall have been committed, though not within the said Metropolitan Police District, and with or without Hard Labour for any Time not exceeding *Two* Calendar Months, and in their Discretion without the Infliction of any Fine in default of Payment of which such Imprisonment might be adjudged.

Repeal of 59 G. 3. c. 28. s. 7., 7 W. 4. & 1 Vict. c. 19, s. 4., and 5 & 6 Vict. c. 38. s. 4.

VIII. And whereas an Act was passed in the Fifty-ninth Year of King George the Third, Chapter Twenty-eight, "to empower "Magistrates to divide the Court of Quarter Sessions," which Act has been amended by Section Four of an Act of the Session holden in the Seventh Year of King William the Fourth and the First Year of Her Majesty, Chapter Nineteen, and by Section Four of an Act of the Session holden in the Fifth and Sixth Years of Her Majesty, Chapter Thirty-eight; and it is expedient to make further Provision in relation to the Division of Courts of Quarter Sessions:

The said Act of the Fifty-ninth Year of King George the Third and the said Sections shall be repealed, but not so as to affect any Orders, Rules, and Regulations made before the passing of this Act.

Power to divide Courts of Quarter Sessions, General Sessions, and adjourned Sessions.

IX. Whenever and so often as any Court of Quarter Sessions or General Sessions or adjourned Quarter Sessions of the Peace is assembled for the Despatch of Business, the Justices then present may, if and when in their Discretion they see fit so to do, appoint Two or more Justices, One of whom shall be of the Quorum, to form a Second Court for the Purpose of hearing and determining such Business as may be referred to them, and the Proceedings by and before such Second Court shall be as good and effectual in the Law, to all Intents and Purposes, as if the same were had before the Court assembled and sitting as usual in its ordinary Place of Sitting, and shall be enrolled and recorded accordingly.

Regulations made for the Apportionment of Business, need not be renewed at each Session.

X. When a Second Court is formed as aforesaid, and Orders, Rules, and Regulations have been made for the Apportionment of Business, such Orders, Rules, and Regulations shall continue in force as long as may be thought expedient, without the Necessity of renewing such Orders, Rules, and Regulations at each succeeding Session.

Clerk of the Peace to appoint a Person to record the Proceedings of such separate Court.

XI. The Clerk of the Peace or his Deputy, wherever a Second Court is formed as aforesaid, shall appoint a fit and sufficient Person to record the Proceedings so had before the Justices at such Second Court, and such Proceedings shall be delivered over to the Clerk of the Peace or his Deputy, and shall be deemed to be a Part of the Records of the Session, as if the same Proceedings had been recorded by the Clerk of the Peace himself; and it shall be lawful for the Justices assembled at the Sessions to make an Order upon the Treasurer of the County to pay to the Clerk of the Peace such Sum as they shall deem a fit and reasonable Remuneration to the Clerk of the Peace for such Purpose as aforesaid; and it shall be lawful for such Justices to appoint an additional Crier, and to grant him such Remuneration (to be paid by the Treasurer of the County) as they deem reasonable.

Time from which Sentences of Courts of Quarter Sessions, &c. shall take Effect.

XII. Every Sentence pronounced by any Court of General or Quarter Sessions or adjourned Sessions of the Peace shall take effect from the Time of the same being pronounced, unless the Court otherwise directs.

Extent of Act.

XIII. This Act shall extend only to England.

Stipendiary Magistrates.

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BILL

To amend the Law concerning the Powers of Stipendiary Magistrates and Justices of the Peace in certain Cases.

(Prepared and brought in by Mr. Hardy and Mr. Secretary Walpole.)

Ordered, by The House of Commons, *to be Printed,* 17 *June* 1858.

[Bill 145.]

Under 1 *oz.*

A

BILL

TO

Amend the Laws concerning Superannuations and other Allowances to Persons having held Civil Offices in the Public Service.

WHEREAS an Act was passed in the Session holden in the Fourth and Fifth Years of King William the Fourth, Chapter Twenty-four, "to alter, amend, and consolidate "the Laws for regulating the Pensions, Compensations, and Allow- "ances to be made to Persons in respect of their having held "Civil Offices in His Majesty's Service:" And whereas by an Act of the last Session of Parliament, Chapter Thirty-seven, Section Twenty-seven of the first-recited Act, by which an Abatement was directed to be made from the Salaries of Civil Servants entitled to Superannuation Allowance, was repealed: And whereas it is desirable further to amend the said Act as herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.

4 & 5 W. 4 c. 24.

20 & 21 Vict. c. 37.

I. Sections Ten, Eleven, Thirteen, Fourteen, Fifteen, Seventeen, and Nineteen of the said Act of the Fourth and Fifth Years of King William

Sections 10, 11, 13, 14, 15, 17, and 19 of 4 & 5 W. 4. c. 24.

William the Fourth are hereby repealed, but such Repeal shall not affect any Pension, Compensation, or Superannuation Allowance granted or Act done before the passing of this Act.

Ordinary Rate of Superannuation Allowance.

II. Subject to the Exceptions and Provisions herein-after contained, the Superannuation Allowance to be granted after the *Commencement of this Act* to Persons who shall have served in the Civil Service of the State, and for whom Provision shall not otherwise have been made by Act of Parliament, Order in Council, or Royal Warrant for the Time being in force, or who may not be specially excepted by the Authority of Parliament, or by Minute of the Commissioners of the Treasury, shall be as follows; (that is to say,)

To any Person who shall have served Ten Years and upwards, and under Eleven Years, an annual Allowance of *Ten Sixtieths* of the annual Salary and Emoluments of his Office:

For Eleven Years, and under Twelve Years, an annual Allowance of *Eleven Sixtieths* of such Salary and Emoluments:

And in like Manner a further Addition to the annual Allowance of *One Sixtieth* in respect of each additional Year of such Service, until the Completion of a Period of Service of *Forty Years*, when the annual Allowance of *Forty Sixtieths* may be granted; and no Addition shall be made in respect of any Service beyond *Forty* Years.

Provision for Professional and other special Offices.

III. It shall be lawful for the Commissioners of the Treasury from Time to Time, by any Order or Warrant, to declare that for the due and efficient Discharge of the Duties of any Office or Class of Offices to be specified in such Order or Warrant, professional or other peculiar Qualifications, not ordinarily to be acquired in the Public Service, are required, and that it is for the Interest of the Public that Persons should be appointed thereto at an Age exceeding that at which Public Service ordinarily begins; and by the same or any other Order or Warrant to direct that when any Person thereafter to be appointed to such Office or to any of such Class of Offices shall retire from the Public Service, a Number of Years not exceeding *Twenty*, to be specified in the said Order or Warrant, shall, in computing the Amount of Superannuation Allowance which may be granted to him under the foregoing Section of this Act, be added to the Number of Years during which he may have actually served, and also to direct that in respect of such Office or Class of Offices the Period of Service required to entitle the Holders to Superannuation may be a Period less than *Ten* Years, to be specified in the Order or Warrant: Provided always, that every Order or Warrant made under this Enactment shall be laid before Parliament.

IV. It

Judicial and other Offices may be brought under the Provisions of this Act.

IV. It shall be lawful for the Commissioners of the Treasury, by their Order or Warrant, to direct that this Act shall be applicable to any Judicial Offices in the United Kingdom, and any Offices of or connected with any Courts of Law or Equity or other Jurisdiction, in respect of which special Provision may have been made by Act of Parliament now in force, and with reference to all such Judicial Offices and to any other such Offices as aforesaid requiring professional or peculiar Qualifications, to make the like Direction with respect to the Superannuation Allowances to be granted to Persons to be thereafter appointed to any such Offices as they are empowered to make under the Provision lastly herein-before contained with respect to any such Office as therein mentioned or referred to, and such Orders and Warrants shall have full Force and Effect, notwithstanding any Special Provision made by Act of Parliament as aforesaid, and all Orders or Warrants made under this Enactment shall be laid before Parliament: Provided, That nothing herein contained shall apply to the Pensions or Retiring Allowances of the Lord High Chancellor, or any Judge of the Court of Chancery in England or Ireland, or to the Judges of the Superior Courts of Law in Westminster and Dublin, or the Judges of the Courts of Probate and Admiralty, or the Judges of the Court of Session in Scotland.

Exception.

Allowances in Cases of bodily Injury.

V. It shall be lawful for the Commissioners of the Treasury to grant to any Person who, being the Holder of an Office in respect of which a Superannuation Allowance may be granted under this Act, and not being entitled to a Superannuation Allowance, is compelled to quit the Public Service by reason of severe bodily Injury, occasioned, without his own Default, in the Discharge of his public Duty, a Gratuity not exceeding *Three Months* Pay for every Two Years of Service, or a Superannuation Allowance not exceeding *Ten Sixtieths* of the annual Salary and Emoluments of his Office.

Gratuities in case of short Service.

VI. It shall be lawful for the Commissioners of the Treasury to grant to any Person who, being the Holder of an Office in respect of which a Superannuation Allowance may be granted under this Act, is constrained, from Infirmity of Mind or Body, to leave the Public Service before the Completion of the Period which would entitle him to a Superannuation Allowance, such Sum of Money by way of Gratuity as the said Commissioners may think proper, but so as that no such Gratuity shall exceed the Amount of *One Month's* Pay for each Year of Service.

Allowances on Abolition of Offices.

VII. It shall be lawful for the Commissioners of the Treasury to grant to any Person retiring or removed from the Public Service, in consequence

consequence of the Abolition of his Office, or for the Purpose of facilitating Improvements in the Organization of the Department to which he belongs, by which greater Efficiency and Economy can be effected, such special annual Allowance by way of Compensation as on a full Consideration of the Circumstances of the Case may seem to the said Commissioners to be a reasonable and just Compensation for the Loss of Office; and if the Compensation shall exceed the Amount to which such Person would have been entitled under the Scale of Superannuation provided by this Act if *Ten* Years were added to the Number of Years which he may have actually served, such Allowance shall be granted by special Minute, stating the special Grounds for granting such Allowance, which Minute shall be laid before Parliament, and no such Allowance shall exceed *Two Thirds* of the Salary and Emoluments of the Office.

Provision for special Services and for Demerit in individual Cases.

VIII. Provided, That it shall be lawful for the Commissioners of the Treasury to grant to any Person any Superannuation, Compensation, Gratuity, or other Allowance of greater Amount than the Amount which might be awarded to him under the foregoing Provisions, when special Services rendered by such Person, and requiring special Reward, shall appear to them to justify such Increase, but so that such Allowance shall in no Case exceed the Salary and Emoluments enjoyed by the Grantee at the Time of Retirement, and the Grounds of every such Increase shall be stated in a Minute of the Treasury, which shall be laid before Parliament; and it shall be lawful for the said Commissioners to grant to any Person any such Allowance of less Amount than otherwise would have been awarded to him where his Defaults or Demerit in relation to the Public Service appear to them to justify such Diminution.

Condition of Grant of full Superannuations to the Heads of Departments.

IX. It shall not be lawful for the Commissioners of the Treasury to grant the full Amount of Superannuation Allowance which can be granted under the Second Section of this Act to any Person being the Head Officer or One of the Head Officers of a Department, unless the Commissioners of the Treasury be satisfied that such Person has served with Diligence and Fidelity, and such Satisfaction shall be expressed in the Minute granting the Allowance.

Condition of Grant of full Superannuations to other public Servants.

X. It shall not be lawful for the Commissioners of the Treasury to grant the full Amount of Superannuation Allowance which can be granted under the Second Section of this Act to any Person not being the Head Officer or One of the Head Officers of a Department, unless upon Production of a Certificate (signed by the Head Officer of the Department, or by Two Head Officers, if there be more than One), that he has served with Diligence and Fidelity to the Satisfaction

of

of such Head Officer or Officers; and in every Case in which any Superannuation Allowance is granted, after the Refusal of such Certificate, the Minute granting it shall state such Refusal and the Grounds on which the Allowance is granted.

Evidence of Infirmity of Persons under Sixty.

XI. It shall not be lawful to grant any Superannuation Allowance to any Person who shall be under *Sixty* Years, unless upon Medical Certificate to the Satisfaction of the Commissioners of the Treasury that he is incapable, from Infirmity of Mind or Body, to discharge the Duties of his Situation, and that such Infirmity is likely to be permanent.

Persons superannuated under Sixty may be required to serve again.

XII. Every Person to whom a Superannuation or Compensation Allowance shall have been granted before he shall have attained the Age of *Sixty* Years shall, until he has attained that Age, be liable to be called upon to fill, in any Part of Her Majesty's Dominions in which he shall before have served, any Public Office or Situation under the Crown for which his previous public Services may render him eligible; and if he shall decline, when called upon to do so, to take upon him such Office or Situation, or shall decline or neglect to execute the Duties thereof satisfactorily, being in a competent State of Health, he shall forfeit his Right to the Compensation or Superannuation Allowance which had been granted to him.

Compulsory Retirement at Sixty-five.

XIII. When any Person holding an Office in respect of which a Superannuation Allowance may be granted under this Act shall have attained the Age of *Sixty-five* Years, he shall retire from such Office, unless his Continuance therein shall be deemed advantageous to the Public Service, and shall on that Ground be authorized by the Commissioners of the Treasury; and every Person retiring by reason of his having attained the Age of *Sixty-five* Years, shall thereupon receive such Superannuation Allowance as, under the Provisions herein-before contained, may be awarded to him.

Orders, &c., within what Time to be laid before Parliament.

XIV. All Orders, Warrants, and Minutes by this Act directed to be laid before Parliament shall be laid before both Houses of Parliament within *Fourteen* Days after the making thereof if Parliament be sitting, and if Parliament be not sitting then within *Fourteen* Days after the next meeting thereof.

Section 6. of 57 G. 3. c. 65. only to apply to Officers having had Seats in Parliament.

XV. No Pension shall be granted under the Provisions of Section Six of the Act of the Fifty-seventh Year of King George the Third, Chapter Sixty-five, to any Person who shall not have had a Seat in One of the Houses of Parliament during the Period or a Porion of the Period for which he has held Office, as in the said Section is mentioned.

53 G. 3. c. 155. s. 91. and Acts in Schedule to be construed as referring to this Act.

XVI. The Ninety-first Section of an Act passed in the Fifty-third Year of King George the Third, Chapter One hundred and fifty-five, shall be construed as if this Act, instead of the Act of the Fiftieth Year of King George the Third, Chapter One hundred and seventeen, had been there referred to; and the several Sections mentioned in the Schedule hereto of the several Acts of Parliament, also therein mentioned, shall be construed as if this Act, instead of the said Act of the Fourth and Fifth Years of the Reign of King William the Fourth, had been referred to in the said Sections.

Saving for Persons in the Service before.

XVII. Nothing herein contained shall prevent, restrict, or diminish any Pension, Superannuation Allowance, Gratuity, or Compensation which, if this Act had not been passed, might hereafter be granted to any Person who shall have entered the Public Service before the *Day of* .

Allowances to be paid free from Taxes.

XVIII. All Superannuations, Compensations, Gratuities, and other Allowances granted or hereafter under this Act to be granted shall be paid to the Persons entitled to receive the same without any Abatement or Deduction in respect of any Taxes or Duties whatever at present existing, except the Tax upon Property or Income.

Act not to prevent Dismissals for Misconduct.

XIX. Nothing in this Act shall be construed to deprive the Commissioners of the Treasury and the Heads or Principal Officers of the respective Departments of their Power and Authority to dismiss any Person from the Public Service without Compensation.

4 & 5 W. 4. c. 24. and this Act to be construed together.

XX. So much of the said Act of the Fourth and Fifth Years of King William the Fourth, Chapter Twenty-four, as is now in force and not hereby repealed, and this Act, shall be construed together as One Act.

Commencement of Act.

XXI. This Act shall come into operation on the , and it shall be sufficient, in citing it, to use the Expression "The Superannuation Act, 1858."

SCHE-

SCHEDULE.

5 & 6 W. 4. c. 42. s. 1.
1 Vict. c. 30. s. 21.
8 & 9 Vict. c. 100. ss. 5. 10.
13 & 14 Vict. c. 89. s. 39.
15 & 16 Vict. c. 73. s. 15.
15 & 16 Vict. c. 87. s. 46.
17 & 18 Vict. c. 78. s. 22.
19 & 20 Vict. c. 110. s. 9.

Superannuation Law Amendment.

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B I L L

To amend the Laws concerning Superannuations and other Allowances to Persons having held Civil Offices in the Public Service.

(*Prepared and brought in by Mr. Chancellor of the Exchequer and Mr. Hamilton.*)

Ordered, by The House of Commons, *to be Printed,* 1 *July* 1858.

[Bill 173.]

Under 1 *oz.*

527

Tenants' Compensation (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Preamble recites the present State of the Law with regard to Improvements made by Tenant Farmers in Ireland.

Tenants having made Improvements which increase the Value of the Premises not to be evicted without being paid for the same a Compensation equivalent to the increased Value created; Sect. 1.

Definition of Terms, "Tenant," "Landlord," "Improvement," "Award," "Arbitrators," &c.; Limitation to Agricultural Tenements, and to Improvements which increase the Value or annual Rent of the Premises; 2.

Regulations for referring disputed Cases to Arbitration; 3.

If an Award be not made, any Claim not exceeding 100*l.* to be referred to the Assistant Barrister at the Quarter Sessions; a Jury may be impannelled, if required by either Parties; 4.

If the Claim exceeds 100*l.*, to be referred in like Manner to the Judge of Assize; 5.

Rules for Awards; 6.

Tenant who has made Claim for Compensation not to be evicted till his Claim has been decided, and the Amount of such Decision paid; 7.

If Tenant be refused Liberty to sell his Interests, he may offer to surrender, and claim Compensation as in other Cases; 8.

If Tenant's Claim for Compensation shall be refused, he may pull down and remove the same, leaving the Premises in the same Condition as before; 9.

(Ireland.)

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BILL

TO

Provide Compensation to Tenant Farmers in Ireland for Improvements made by them upon Lands in their Occupation; and to limit the Power of Eviction in certain Cases.

Preamble.

Recites the System of letting Lands in Ireland, the Tenant making all Improvements.

WHEREAS it has long been the Practice in Ireland, that Lands are let to the Tenants occupying the same on determinable Tenures, or at Will, or from Year to Year, without written Agreement, and without any suitable Buildings or other necessary Appendages for residing on and cultivating such Lands, or any sufficient Allowance given or engaged to be given in consideration thereof, or in consideration of any Expenditure necessary or proper to be incurred for draining or otherwise permanently improving the Soil: And whereas the occupying Tenants under such Circumstances have just Cause of Complaint from their Liability to Dispossessment without any Security for the Value of their beneficial Interest created by their Capital and Labour expended on the Premises: And whereas there is no Security for Capital expended by the Tenant, and divers Evils have arisen therefrom, and it is necessary that speedy Remedies be devised for the same: Be it therefore enacted by the Queen's most Excellent Majesty, by and

with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

All Buildings and Improvements producing increased Value made at the Cost of the Tenant declared to be the Tenant's Property.

I. For the Purposes of this Act, all Improvements of the Soil, and all Buildings, and all Works of every Description, by means of which the annual letting Value or Fee Simple Interest of the Premises shall be or shall have been increased, and which shall be or shall have been made at the Cost or by the Labour of the Tenant, or purchased or inherited by him from his Predecessor, shall be taken to be the Property of such Tenant, subject to the Rules herein-after provided; and that from and after *the passing of this Act* no Person in occupation of Lands or Premises, being Tenant thereon as in this Act herein-after defined and qualified, and having made Improvements thereon of the Nature aforesaid, and paying a Rent such as shall be agreed upon between the Parties, or settled as in this Act provided, shall be evicted therefrom unless he shall have first received from his Landlord or from the in-coming Tenant, by Sale or Agreement, the marketable Value of his Interest, fair Compensation for the Value of all Labour and Capital expended in Improvements of the Nature herein-before stated, and which are by this Act declared to be the Property of the Tenant, and for his Interest in the Premises, and for any Loss or Injury he may sustain by Dispossessment therefrom, to such Amount as shall be determined by any Award made according to the Rules in this Act directed to be observed for ascertaining the same: Provided always, that no Landlord shall be liable or required to make any Payment on the Grounds of Improvements if such Landlord shall continue the Tenant (or any solvent Person to whom such Tenant may desire to sell or assign his Interest) in the Occupation of the said Premises at such annual Rent as shall be agreed upon between the Parties, or shall be settled by any Award as aforesaid; and provided also, that no Tenant shall be entitled to make claim of Compensation for his Improvements unless increased Value has been created by his Labour or Capital.

No Tenant, having made Improvements as aforesaid, to be evicted without being paid for the Value of Improvements, &c.

Proviso: Landlord not liable to pay Compensation if he continues the Tenant at the Rent agreed on or awarded under the Provisions of this Act.

Proviso: Claimant must prove increased Value created.

Definition of Terms: "Tenant:"

II. In the Construction of this Act, the Word "Tenant" shall be understood to mean a Person or Party in the actual Occupation of Land let for the Purposes of Agriculture, and all Buildings thereon or held therewith, with their Appurtenances, but which shall not have been let for Conacre, or for the Purpose of cropping or depasturing for One or Two Seasons only, or for any special or temporary Purpose, but shall have been held by such Person or Party as Tenant at Will, or from Year to Year, for the Space of Years, or for a Term of Years absolute, or determinable on the dropping of a Life or Lives, or for a Life or Lives with or without a Term of Years, and shall

shall not be let for building, or let by the Foot or other lineal Measurement calculated on the Extent of Frontage to any Road or Street, or let by Measurement, or under any Provisions denoting that such Letting was intended for the sole Purposes of building, and shall include the Personal Representatives of a Tenant within this Act; and the Word "Landlord" shall be understood to mean the Person or Party entitled to the immediate Possession of the Lands or Premises on the Determination of the Interest of the Tenant, and the legal Representatives of such Person or Party for the Time being, and shall include Bodies Corporate, Companies, and Partnerships, Owner; and the Word "Improvement" shall be taken to mean all Buildings erected, and all Works done, which would permanently increase the Value or annual Rent of the Premises; and the Word "Award" shall be taken to mean any Decision by Arbitrators, or any Judgment, Decree, or Verdict given under the Provisions of this Act; and the Word "Arbitrators" shall comprehend Arbitrators, Assistant Barrister, Judge of Assize or Jury, as the Case may be; and the Word "serve" shall be construed to mean either personal Service or Services on the Attorney, Agent, Bailiff, Steward, or Receiver of the Person or Party to be served, or Service by Delivery at the Place of Abode of such Person or Party, or Service by Transmission through the Post, directed to the last known Address of the Person or Party to be served, within such Time as to admit of its Delivery within the Period prescribed (if any) for the Delivery of the Notice, and in proving any Notice by the Post it shall be sufficient to prove that the Notice was properly directed, and so put into the Office as before required; and the Words "solvent Tenant" shall be taken to mean a Tenant having the Capability to apply the Amount of Labour and Capital reasonably to be required for the proper Cultivation and Improvement of the Holding in his Occupation, according to the Extent of such Holding, and to pay the fair Rent to the Landlord for the same.

"Landlord:"

"Improvement:"

"Award:"

"Arbitrators:"

"serve:"

"solvent Tenant."

III. If any Tenant, qualified as herein required, who shall desire to claim the Benefit of this Act, shall be served with a Notice to quit, or with a Declaration in Ejectment, or a Demand of an increased Rent, such Tenant shall, within *Ten* Days after each respectively, serve on such Landlord a Notice of Claim, which Notice shall be in Writing, and shall state the Amount demanded by such Tenant, and shall also contain a Proposal stating the Rent at which such Tenant would be willing to continue as Tenant on the Premises, also an Offer on the Part of the Tenant to refer the Matter of his Claim to Arbitration, and such Notice shall contain the Name of an Arbitrator to act in the Matter of such Arbitration; and in case the Claim of the Tenant shall not be adjusted by Agreement between the Parties, such Landlord

Tenant being served with Notice to quit, or Notice of Ejectment, or Notice of increased Rent, shall serve on his Landlord a Notice of his Claim, and shall offer an Arbitration, and name an Arbitrator.

lord shall, within *Ten* Days after the Delivery of such Notice, serve upon such Tenant a Notice containing the Name of an Arbitrator to act in the Matter of such Arbitration; and it shall be lawful for the said Two Arbitrators so appointed by the Landlord and the Tenant to appoint a Third Arbitrator, and the said Matter in dispute shall be referred to the Three Arbitrators appointed as aforesaid; and the aforesaid Arbitrators, or any Two of them, shall and are hereby authorized and empowered, by such Means as they shall think proper, to settle the Amount of Compensation, and all such other Matters as shall be referred to them on the Part of the Landlord or the Tenant under the Provisions of this Act, and to make their Award thereon in Writing under their Hands and Seals, or under the Hands and Seals of any Two of them; and such Arbitrators shall, within *Three* Days after making such Award, forward to each of the Parties a Copy thereof; and the Expenses of such Arbitration shall be paid by such Party or Parties or in such Proportions as the said Arbitrators shall direct; and in case an Award shall be given in favour of the Tenant, it shall not be lawful for the Landlord to require a Surrender of the Premises, or to evict the Tenant therefrom, till the Amount so awarded shall be paid or offered to be paid to the Tenant, or Settlement be otherwise made according to the Provisions of this Act.

Shall make their Award in Writing, and forward Copies to each of the Parties.

IV. And in case an Arbitrator shall not be appointed by the Landlord, or in case the Two Arbitrators, if appointed, shall not agree in their Award, or shall not agree about the Appointment of an Umpire, or if from any other Cause an Award shall not be made, and that the Tenant's Claims shall not be acceded to or adjusted by Agreement between the Parties, within *One Month* from the Time when the Notice of Claim and Arbitration had been served on the Landlord by the Tenant, it shall then be lawful for the Tenant, if the Amount of the Claim shall not exceed *One hundred Pounds*, to refer the Decision of such Claim to the Assistant Barrister at the Quarter Sessions which shall be heard next after the Occurrence of any Event as aforesaid for the Division of the County wherein such Land or Premises shall be wholly or in greater Part situate, provided the same shall not be held sooner than *Thirty-one* Days, and if there shall not be *Thirty-one* Days between the Occurrence of such Event as aforesaid and the Day appointed for holding such Sessions, then such Reference may be heard at the Second Quarter Sessions which shall be holden for each Division of such County after such Event as aforesaid; and the Assistant Barrister, at such First or Second Quarter Sessions, or any Adjournment thereof, upon due Proof that Notice of such Reference has been served on such Landlord at least *Twenty-one* Days before the Day appointed for holding such Sessions, is hereby empowered and required to hear and finally determine the Matter of such

If an Arbitration be not agreed to, or if no Award, Tenant may refer his Claim to Barrister at Quarter Sessions with respect to Claims not exceeding 100*l.*

such Claim: Provided always, that it shall be lawful for either of the Parties concerned to require that the same be referred by the Assistant Barrister to a Jury, and in case he shall be so required, he shall cause a Jury of Twelve Men to be impannelled; and the said Jury shall be constituted from the first Twelve Men, not set aside by Challenge, who shall answer on their Names being called from the List of Jurors summoned to be in attendance at such Court of Quarter Sessions; and all Parties concerned shall have their lawful Challenges against any of the Jurors; and the Decree of the said Barrister, or the Award of the Jury, as the Case may be, shall be final in the Matter of such Claim; and the Costs shall be paid by such Party or Parties or in such Proportions as the Assistant Barrister, or the Jury, in case of Reference to a Jury, shall direct; and all Awards, Judgments, Decrees, or Verdicts made or given with respect to any Claim aforesaid shall be transmitted to and kept by the Clerk of the Peace among the Records of the County wherein the Decree has been made.

Proviso: Either Party may require a Reference to a Jury.

All Awards and Judgments to be registered with the Clerk of the Peace.

V. And if the Amount of the Claim made by the Tenant shall exceed *One hundred Pounds*, the Reference, as herein-before provided to be made to the Assistant Barrister in Cases where Awards by Arbitrators shall not be obtained, shall, instead thereof, be made to the Judge presiding in the Record Court at the next Assizes (or some subsequent Assizes, as the Case may be,) for the County in which the Premises, or the greater Part thereof, shall be situate, subject to all the same Rules and Provisions with regard to such Reference as those herein-before made for regulating the Reference to the Assistant Barrister respecting Sums of a smaller Amount; and the said Judge shall decide on all the Matters so referred to him; provided always, that, if required by either of the Parties, he shall refer the Decision of such Claim to a Jury, which Jury shall be constituted in like Manner and Form as usually practised with regard to Trials in the said Record Court; and the Decision so made shall be final and conclusive in the Matter, and the Costs shall be paid by such Party or Parties or in such Proportions as the Judge (or the Jury, in case of Reference to a Jury,) shall direct.

In case of Claims exceeding 100*l.* Reference to be made to the Judge of Assize instead of the Assistant Barrister, subject to the same Rules for Reference to a Jury as before provided.

VI. And the Arbitrators shall determine the Amount to be awarded on the Claim of the Tenant, according to the Evidence which shall be brought before them; and they shall inquire into all Works of Improvement for which Value shall be claimed by the Tenant, whether in the Form of Buildings or Works, to increase the productive Power of the Soil, and to what Extent the said Buildings or Works had increased the Value of the Premises; and they shall allow to the Tenant the Value of all such Buildings or Works, on a reasonable Compu-

Rules for Awards.

In other Cases an equitable Valuation to be made, and Compensation awarded according to the increased

Value created.

Computation of the Amount expended in their Execution, and of the increased Value thereby created, as measured by the higher Rent which the Premises might be expected to yield, with the Tenant's Improvements, than if such Improvements had not been made; and they may, if they shall so think fit, adopt any Valuation of the Premises now made, or which shall hereafter be made, by public Authority, making such Corrections thereof as they shall deem right;

May adopt the Value as ascertained by any public Valuation, corrected as may be deemed fitting; and shall make Allowance from all Awards of Compensation, if necessary, for Waste or Deterioration produced by Neglect or Fault of the Tenant.

and if it shall be proved to the Arbitrators that the Value of the Premises had been deteriorated by Neglect or Mismanagement, or bad Cultivation, or any Proceeding on the Part of the Tenant injurious to the Interests of the Landlord, they shall make such Reduction for the same as they think just, and they shall also deduct from the Amount of their Award (if such shall be given in favour of the Tenant) all Rent due to the Landlord; and if there be any Expenditure on the Part of the Landlord towards the Improvement of the Premises, or Allowance made by means of any Settlement, Reduction, or Remission of Rent, in consideration of Improvements executed or to be executed by the Tenant, they shall make fair Abatement accordingly from the Amount of their Award; and if the Landlord shall require the absolute Surrender of the Premises, and such Landlord shall not prove that there was a Want of reasonable Application of Skill and Labour by the Tenant, so as to produce from that Cause an Injury to his Interests by the Continuance of the Tenant in the Occupation, then in such Case it shall be lawful for the Arbitrators and they are hereby required, in estimating the Amount of their Award, to take into consideration any consequential Loss or Injury the Tenant would sustain by Dispossessment from the Premises, and to make such Addition to the Amount of their Award in consideration thereof as they shall deem reasonable and just, and they shall in all Cases make their Decisions according to what they shall to the best of their Judgment deem to be just and equitable between the Parties: Provided always, that if it shall appear in any Case that the Landlord had, at his own Cost, erected the Housing, or the substantial Part thereof, reasonably necessary for the Uses of the Farm, and had kept the same in repair, and made the permanent Improvements reasonably necessary for the good Culture of the Soil, or else allowed the Tenant the Cost of all such Buildings and Works of Improvements, in such Case any Claim of Compensation under the Custom of Tenant Right shall not be awarded, but the Tenant shall be allowed fair Compensation for all useful Improvements made at his Cost on the Premises, and for all unexhausted Applications to the Soil necessary under a System of good and clean Husbandry.

Additional Allowance to be made to the Tenant in certain Cases.

If Landlord supplies necessary Buildings and executes necessary Improvements, in such Cases Claims under the Custom of Tenant Right not admissible; but Tenant may be allowed Compensation for any useful Improvements made by himself.

VII. And

VII. And if any Landlord against whom such Claim of Compensation shall be made as aforesaid shall proceed by any Process of Law against the Tenant making such Claim, for the Purpose of recovering the Possession of the Premises in respect whereof such Claim shall have been made, it shall be lawful for such Tenant to prove by Evidence at the Trial of such Ejectment that such Claim has been made on his Part in conformity with the Provisions of this Act, and either that Compensation has been awarded to him, which Compensation has not been paid or tendered to be paid by the said Landlord, or that Proceedings were still pending for determining the Amount of Compensation due to the Claimant, and that no unnecessary Delay had taken place on the Part of such Claimant for the Purpose of having his Claim determined; and on Proof thereof, unless the Amount of the Award (if an Award has been made) be forthwith paid to the Tenant, or lodged in Court, or the Claim of the Tenant be otherwise settled for, or sufficient Security be given to the Court, before Possession be given to the Landlord, for the due Payment of any Sum which shall be awarded or decreed to be the Amount of the Tenant's Claim, such Tenant shall be entitled to a Judgment or Decree in his Favour in the Matter of such Ejectment.

If Landlord proceed against Tenant to eject him, Tenant may plead in Court that his Claim has not been adjudged or settled for, and that Proceedings were pending for that Purpose, or that Award had been made and his Claim was not paid. The Court shall give Judgment in favour of the Tenant in such Cases, unless the Amount of the Award be paid forthwith to the Tenant, or lodged in Court, or sufficient Security given that the Amount of any Decree or Award shall be paid.

VIII. And in case any Tenant, as defined and qualified under this Act, or holding under any Award as in this Act before provided, shall desire to sell his Interest in the Premises, and shall offer a Person as Purchaser who shall not be liable to reasonable Objection on the Part of the Landlord with reference to his not being a "solvent Tenant," as herein-before defined, and such Landlord shall refuse Permission to the Tenant to make such Sale, then in such Case it shall be lawful for such Tenant (if he so thinks fit) to serve Notice of Surrender in like Manner and under like Regulations (save and except the Offer of Rent at which the Tenant would continue to hold the Premises) as herein-before directed; and such Tenant shall be entitled to receive the Compensation, as in this Act before enacted: Provided always, that no Landlord shall be required to agree to any Offer of Sale or Purchase which would cause any Subdivision of the Premises contained in the Occupancy, and let by such Landlord to a single Tenant; and provided also, that it shall be lawful for any Landlord to take Defence against any Claim made as above on the Grounds that the Person offered as Purchaser could not be considered as being a "solvent Tenant;" and in case the Landlord shall give Evidence thereof to the Satisfaction of the Arbitrators or other adjudicating Tribunal, the Claim of the Tenant shall not be allowed.

Tenant, if refused Liberty to sell to a solvent Tenant, may give Notice of Surrender, and claim Compensation.
Proviso: Landlord not to be required to sanction an Offer of Purchase for a separate Part of any Occupancy let to a single Tenant.
Proviso: The Landlord may plead that the Person proposed as Purchaser would not be a solvent Tenant.

Tenant may pull down, sell, and carry away the Materials of Buildings erected by himself, if not paid for or Allowance made by the Landlord or by the Award of the Arbitrators.

IX. If any Tenant shall have erected Buildings on the Premises in his Occupation, and if such Tenant shall have made claim, and Compensation shall be refused by the Landlord, or by the Award of any Arbitrators, or by the Decision of any Court or Jury, on the Grounds of the Buildings not being suitable to the Premises, it shall be lawful for the Tenant to pull down and sell or carry away the Materials of such Buildings, and such Tenant shall not be liable to any Penalties or Action for Waste or Dilapidation for his so doing, provided he leaves the Premises in the same Condition as before the Erection of such Buildings.

Act for Ireland.

X. This Act shall extend only to Ireland.

Tenants Compensation (Ireland).

A

B I L L

To provide Compensation to Tenant Farmers in Ireland for Improvements made by them upon Lands in their Occupation; and to limit the Power of Eviction in certain Cases.

(Prepared and brought in by Mr. Maguire and The O'Donoghue.)

Ordered, by The House of Commons, *to be Printed,* 16 *February* 1858.

[Bill 22.] *Under 2 oz.*

1858. 21 Vict.

(Scotland.)

A

BILL

TO

Simplify the Forms and diminish the Expense of completing Titles to Land in Scotland.

Preamble.

WHEREAS it is expedient to simplify the Forms and diminish the Expense of completing Titles to Land in Scotland: be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Instruments of Sasine no longer necessary, but Conveyances may be recorded instead.

I. That, from and after the *passing of this Act*, it shall not be necessary to expede an Instrument of Sasine on any Conveyance for the Purpose of completing a Title to the Lands conveyed, but it shall be competent and sufficient, instead of expeding and recording such Instrument of Sasine, to record the Conveyance itself in the Register of Sasines applicable to the Lands therein contained; and the Conveyance, being so recorded in the Lifetime of the Person or Persons in whose Favour it is made or granted, shall vest in him or them a Real Right in the Lands therein contained, and shall operate as fully and effectually, and have the same legal Force and Effect in all respects as if the Conveyance so recorded had been

followed by an Instrument of Sasine duly expede and recorded at the Date of recording the said Conveyance, according to the present Law and Practice, provided that the Conveyance so recorded shall operate as aforesaid only in favour of the Person or Persons by or on whose Behalf it is presented for Registration.

Not necessary to record the whole Conveyance.

II. In all Cases where a Conveyance of Lands shall be contained in a Deed granted for special Uses and Purposes, such as a Marriage Contract, Deed of Trust, or Deed of Settlement, it shall not be necessary to record the whole of such Deed, but it shall be sufficient to expede and record a Notarial Instrument setting forth generally the Nature of the Deed, and containing at length those Portions of the Deed by which the Lands are conveyed, by which Real Burdens, Conditions, or Limitations are imposed and by which the Nature of the Tenure is specified, or a Reddendo stipulated; and in all Cases where a Deed conveys different Lands to the same Person, or different Lands to different Persons respectively, or where it conveys Lands in favour of one Party in Liferent and another in Fee, or in favour of more Parties than One, either pro indiviso or in trust, it shall not be necessary for the Completion of the Title of One or more of such Persons to record the whole of such Deed, but it shall be competent to expede and record a Notarial Instrument setting forth generally the Nature of the Deed, and containing at length the Part or Parts of the Deed by which the particular Lands are conveyed in which a Real Right is desired to be completed, and which specifies the Nature and Extent of the Right and Interest of the Party in whose Favour the Instrument is expede, with the Real Burdens, Conditions, and Limitations, if any, the Nature of the Tenure, and the Reddendo; and such Notarial Instrument shall be in or as nearly as may be in the Form of Schedule (A.) hereto annexed.

Instruments of Resignation ad remanentiam no longer necessary, but Conveyances in favour of Superior may be recorded instead.

III. It shall not be necessary to expede and record an Instrument of Resignation ad remanentiam on any Procuratory of Resignation ad remanentiam, or on any Conveyance containing a Clause of Resignation ad remanentiam, but it shall be sufficient to record in the appropriate Register of Sasines any Procuratory or Conveyance or a Notarial Instrument of Part thereof, as herein-before provided; and such Procuratory or Conveyance or such Notarial Instrument being so recorded shall have the same Effect as if an Instrument of Resignation ad remanentiam had been expede on such Procuratory or Conveyance, and had been recorded in the Register of Sasines, according to the present Law and Practice.

Certain Clauses no longer ne-

IV. It shall not be necessary to insert in any Conveyance a Clause of Obligation to infeft, or a Precept or Warrant for Infeftment;

ment: And all Conveyances shall be held to import a double Manner of holding, unless otherwise specially expressed; and a Clause of Resignation in any Conveyance shall be held to import a Resignation in favorem only, unless specially expressed to be a Resignation ad remanentiam. cessary in Conveyances.

V. Where Lands are held of the Crown or Prince and Steward of Scotland, and a Confirmation of any Deed or Instrument recorded as aforesaid, comprehending such Lands, shall be desired, it shall be competent to apply to the Presenter of Signatures for a Confirmation to be written on the Deed or Instrument, instead of a Confirmation by Charter, and such Application shall be made in the same Manner in all respects as when a Charter of Confirmation is now applied for; and on the Presenter of Signatures being satisfied that the Party applying would be entitled to a Charter of Confirmation, he shall direct a Confirmation in the Form of Schedule (B.) to be written on the Deed or Instrument desired to be confirmed; and such Confirmation shall be signed by the Presenter of Signatures, and the Amount of the Fees exigible in the Office of the Presenter of Signatures, and also of the Duties and Casualties payable in Exchequer on account of the Lands contained in the Deed or Instrument confirmed, shall be marked on the Deed or Instrument confirmed, and certified by the Signatures of the Auditor of Exchequer and of the Presenter of Signatures; and on Payment of such Fees, Duties, and Casualties being made, the Deed or Instrument so confirmed shall be officially transmitted to the Director of Chancery, who, or his Deputy or Substitute, shall enter or cause to be entered in a Book to be kept for the Purpose, and intituled "The Register of Confirmations," the leading Name or Names of the Lands comprehended in the Deed or Instrument confirmed, and the Name of the Party in whose Favour the Confirmation is granted, and the Date of the Confirmation, and also the Name of the last entered Vassal, and the Date of his Entry, and the Deed or Instrument so confirmed shall thereafter be delivered to the Party applying for Confirmation, or his Agent; and the Deed or Instrument so confirmed shall in all respects be as effectual as if a Charter of Confirmation of the Lands had been duly expede according to the present Law and Practice, and shall be held to confirm the whole prior Deeds and Instruments necessary to be confirmed, in order to complete the Investiture of the Party obtaining the Confirmation. Crown Confirmations on Deeds confirmed.

VI. In all Cases in which a Confirmation by a Subject Superior of any Deed or Instrument so recorded shall be desired it shall be competent for the Superior to confirm such Deed or Instrument by a Writing upon the Deed or Instrument in the Form Confirmation by Subject Superiors on the Deed confirmed.

and as nearly as may be in the Terms of Schedule (C.) hereto annexed, and the Confirmation so written shall be to all Intents and Purposes as effectual as if a Charter of Confirmation had been granted in the usual Form according to the present Law and Practice, and the Superior shall be bound so to confirm such Deed or Instrument, if required so to do: Provided always, that the Party requiring such Confirmation shall produce to the Superior the last Charter, Precept, or Writ of Acknowledgment of the Lands contained in the Deed or Instrument desired to be confirmed, and shall also at the same Time pay or tender to the Superior such Duties or Casualties as he may be entitled to demand; and the Confirmation, written upon any Deed or Instrument so recorded, shall be held to confirm and shall to all Intents and Purposes operate as a Confirmation of the whole prior Deeds and Instruments necessary to be confirmed in order to complete the Investiture of the Party obtaining the Confirmation in the Lands contained in the Deed or Instrument so confirmed.

Writs of Acknowledgment in favour of Heirs.

VII. In all Cases where, according to the present Law and Practice, Precepts from Chancery or Precepts of Clare constat are in use to be granted, it shall be competent and sufficient to grant a Writ of Acknowledgment in the Form and as nearly as may be in the Terms set forth in Schedule (D.) hereto annexed, where the Lands are held of the Crown or Prince and Steward of Scotland, and in the Form and as nearly as may be in the Terms set forth in Schedule (E.) hereto annexed, where the Lands are held of a Subject Superior, and to record such Writ of Acknowledgment in the appropriate Register of Sasines; and such Writ being so recorded shall in all respects have the same Effect as if Sasine had been taken on a Precept by the Superior, and an Instrument of Sasine had been duly recorded according to the present Law and Practice; and all such Writs of Acknowledgment may be recorded in the appropriate Register of Sasines at any Time during the Lifetime of the Grantee, and Superiors shall be bound to grant such Writs of Acknowledgment, if required by the Heir so to do: Provided always, that the Heir shall produce the last Charter, Precept, or Writ of Acknowledgment applicable to the Lands in which his Ancestor died vest, and shall also at the same Time pay or tender to the Superior such Duties or Casualties as he may be entitled to demand; and where the Lands are held of the Crown or of the Prince and Steward of Scotland, or where the Heir is required by the Superior so to do, he shall also produce a Decree of General or of Special Service establishing his Right to succeed to the Lands; and where the Lands are held of the Crown or Prince and Steward of Scotland, the Application for such Writ of Acknowledgment shall be made in the same Manner in all

all respects as when a Precept from Chancery is now applied for, and such Writ of Acknowledgment shall be recorded as Precepts are now in use to be recorded.

Notarial Instrument by a general Disponee.

VIII. In all Cases where a Party vested with a Real Right in any Lands shall grant a general Disposition of his Lands, without specifying the Lands particularly, and whether such Disposition shall be by Deed mortis causa or inter vivos, it shall be competent to the Disponee under such Disposition, or to any other Party who shall have acquired Right to such Disposition by Service, Assignation, Adjudication, or otherwise, instead of obtaining a Decree of Adjudication in Implement against the Granter of such Disposition or his Heir, to expede a Notarial Instrument in the Form and as nearly as may be in the Terms set forth in Schedule (F.) hereunto annexed; and on such general Disposition along with such Notarial Instrument being duly recorded in the appropriate Register of Sasines, such general Disponee or such other Party acquiring Right as aforesaid shall be held to be vested with a Real Right in the Lands specified in such Notarial Instrument, as if a Title had been completed by Adjudication in Implement according to the present Law and Practice: Provided always, that where such Notarial Instrument shall be expede by a Party other than the original Disponee under such Disposition, the Notarial Instrument shall set forth the Title or Series of Titles by which the Party in whose Favour the Instrument is expede acquired Right to such general Disposition.

Assignation to an unrecorded Conveyance.

IX. It shall be competent to any Party, in right of an unrecorded Conveyance, to assign the Conveyance in the Form and as nearly as may be in the Terms of Schedule (G.), No. 1., and to record the Assignation or Assignations, in the event of there being successive Assignations, along with the Conveyance itself, in the appropriate Register of Sasines, and it shall be competent to write such Assignation or Assignations on the Conveyance itself in the Form and as nearly as may be in the Terms of the said Schedule (G.) No. 2; and on the Conveyance, along with the Assignation or Assignations, separate from or written upon the Conveyance, being so recorded, such Party shall be held to be vested with a Real Right in the Lands comprehended in the Conveyance, as if the Conveyance had been granted in favour of himself, and recorded in the Manner herein-before provided.

Notarial Instrument by a Party

X. In all Cases where any Party shall have acquired Right by General Disposition, Service, Assignation, Adjudication, or otherwise,

acquiring Right to an unrecorded Conveyance.

wise, to an unrecorded Conveyance, hereby authorized to be recorded in the Register of Sasines, and which shall have been granted in favour of another Person, and which is in its Nature legally transmissible, it shall be competent to such Party to expede a Notarial Instrument in the Form and as nearly as may be in the Terms of Schedule (H.), setting forth the Title or Series of Titles by which he acquired Right to the Conveyance, and to record the Conveyance along with the Notarial Instrument in the appropriate Register of Sasines, or where it is not desired to record the whole of the Conveyance, as herein-before provided, it shall be competent to expede a Notarial Instrument in the Form and as nearly as may be in the Terms of the said Schedule (A.), setting forth generally the Nature of the Deed, and containing at length those Portions of the Deed by which the Lands comprehended in the Conveyance are conveyed, by which Real Burdens, Conditions, or Limitations are imposed, and by which the Nature of the Tenure is specified, and a Reddendo stipulated; and also setting forth the Title or Series of Titles by which the Party acquired Right to the Conveyance, and to record such Notarial Instrument in the appropriate Register of Sasines; and on the Conveyance, along with such Notarial Instrument in the Form of the said Schedule (H.), or on such Notarial Instrument in the Form of the said Schedule (A.), being so recorded, such Party shall be held to be vested with a Real Right in the Lands comprehended in such Conveyance, as if the Conveyance had been granted in favour of himself, and recorded in manner herein-before provided.

Particular Description of Lands contained in prior recorded Deeds may be referred to.

XI. In all Cases where Lands have been particularly described in any prior Conveyance, duly recorded in the appropriate Register of Sasines, or in any prior Instrument of Sasine so recorded, it shall not be necessary, in any subsequent Conveyance or Instrument of Sasine or Notarial Instrument, to repeat the particular Description of the Lands at length, but it shall be sufficient to refer to the particular Description contained in such prior Conveyance or Instrument of Sasine so recorded, in the Terms or as nearly as may be in the Terms set forth in Schedule (I.) hereto annexed; and the Reference so made shall be held to be equivalent to the full Insertion of the particular Description contained in such prior Conveyance or Instrument of Sasine or Notarial Instrument so recorded, and shall have the same Effect as if the particular Description had been inserted exactly as it is set forth in such prior Conveyance or Instrument of Sasine or Notarial Instrument.

Various Lands conveyed by the

XII. In all Cases where Two or more Parcels of Lands held under the same Superior are comprehended in the same Conveyance, it

it shall be competent to insert a Clause in such Conveyance declaring that the whole Lands conveyed, and therein particularly described, shall be designed and known in future by One general Name to be therein specified; and on such Conveyance containing such Clause being duly recorded in the General Register of Sasines, it shall be competent in all subsequent Conveyances, Instruments of Sasine, and Notarial Instruments to use the general Name specified in such Clause as the general Name of the several Lands declared by such Clause to be comprehended under it, and a Conveyance of such several Lands under the general Name so specified shall be as effectual in all respects as if the Conveyance contained a particular Description of each Parcel of such Lands: Provided always, that Reference be made in such Conveyances and Instruments of Sasine and Notarial Instruments to a prior recorded Conveyance or Instrument of Sasine in which such Clause and Description are contained; provided also, that it shall not be necessary in such Clause to comprehend under One general Name the whole Lands contained in the Conveyance in which such Clause is inserted, but that it shall be competent to comprehend certain Lands under One general Name, and certain other Lands under another general Name, it being clearly specified what Lands are comprehended under each general Name; and such Clause of Reference shall be in the Terms or as nearly as may be in the Terms set forth in Schedule (K.) hereto annexed.

same Deed may be comprehended under One general Name.

XIII. In all Cases where Lands are or shall hereafter be held under a Deed of Entail it shall not be necessary to repeat the Destination contained in such Entail at length in the Conveyances, Instruments of Sasine, or Notarial Instruments necessary to transmit, renew, or complete a Title under such Entail, but it shall be sufficient to refer to the Destination as set forth at full Length in the Deed of Entail recorded in the Register of Tailzies, if the same shall have been so recorded, or as set forth at full Length in any Conveyance, Instrument of Sasine, or Notarial Instrument duly recorded in the appropriate Register of Sasines forming Part of the Progress of Title Deeds of the Lands comprehended under the said Entail, such Reference being made in the Terms or as nearly as may be in the Terms set forth in Schedule (L.) hereto annexed; and the Reference so made to such Destination shall be equivalent to the full Insertion thereof, and shall to all Intents and in all Questions whatever have the same legal Effect as if the Destination in the recorded Deed or Instrument referred to had been inserted at length, notwithstanding any Law or Practice to the contrary, or any Injunction to the contrary contained in such Deed of Entail, and notwithstanding any Enactments or Provisions to the contrary contained in any Act or

Destinations in Entails may be referred to.

Acts of Parliament now in force, all which are hereby repealed, so far as inconsistent herewith, but no farther; and in all Cases where a Deed of Entail contains an express Clause authorizing Registration of the Deed in the Register of Tailzies it shall not be necessary to insert Clauses of Prohibition against Alienation, contracting Debt, and altering the Order of Succession, but such Clause of Registration shall have in every respect the same Operation and Effect as if such Clauses of Prohibition had been inserted according to the present Law and Practice, and duly fenced with irritant and resolutive Clauses.

Recording of Conveyances in the Register of Sasines authorized.

XIV. All Conveyances and Notarial Instruments hereby authorized to be recorded in the Register of Sasines may be recorded therein at any Time in the same Manner as Instruments of Sasine are therein recorded, and the Keepers of such Register are hereby authorized and required to record the same accordingly, and all such Conveyances and Instruments shall in Competition be preferable according to the Date of the Registration thereof; and the Certificate of Registration on such Conveyance shall specify the Party by or on behalf of whom it was presented for Registration; and Extracts of all such Conveyances and Instruments so recorded shall make faith in all Cases in like Manner as the recorded Conveyances and Instruments themselves, except where any such Conveyance or Instrument so recorded shall be offered to be improven.

Present Forms of Conveyances may be used.

XV. Nothing contained in this Act shall prevent the Constitution, Transmission, or Completion of Land Rights by the Forms in use prior to the passing of this Act.

Mode of completing Title by a Judicial Factor.

XVI. In all Cases where a Judicial Factor or other Judicial Manager shall be authorized to complete a Title to any Lands, it shall be competent for him to expede a Notarial Instrument setting forth his Appointment, and the Warrant granted for completing such Title, and specifying the Lands to which such Title is to be completed, and the Title by which such Lands are at the Time held, in the Form and as nearly as may be in the Terms of Schedule (M.) hereto annexed, and to record such Notarial Instrument in the appropriate Register of Sasines; and on such Notarial Instrument being so recorded such Judicial Factor or Manager shall be held to be vested with a Real Right in the Lands specified in such Notarial Instrument to the same Effect in all respects as if a Title had been completed in his Person with a double Manner of holding according to the existing Law and Practice.

XVII. It

Mode of completing Title by a Trustee in Sequestration.

XVII. It shall be competent to a Trustee on a sequestrated Estate, in order to complete a Title to the Lands belonging to the Bankrupt, to expede a Notarial Instrument setting forth the Act and Warrant of Confirmation in his Favour, and specifying the Lands belonging to the Bankrupt to which a Title is to be completed, and the Title by which such Lands are held by the Bankrupt, in the Form and as nearly as may be in the Terms set forth in Schedule (N.) hereto annexed, and to record such Notarial Instrument in the appropriate Register of Sasines, and on such Notarial Instrument being so recorded such Trustee shall be held to be vested with a Real Right in the Lands specified in such Notarial Instrument, to the same Effect in all respects as if a Title had been completed in his Person with a double Manner of holding according to the existing Law and Practice.

Mode of relinquishing Superiorities.

XVIII. In order to facilitate the extinguishing of Midsuperiorities not defeasible by the Vassal it shall be competent to any Subject Superior, whether himself entered with his Superior or not, to relinquish his Right of Superiority in favour of his immediate Vassal, by granting a Deed of Relinquishment in the Form and as nearly as may be in the Terms of Schedule (O.) hereto annexed; and on such Deed of Relinquishment being accepted by the Vassal by an Acceptance written on such Deed in the Terms set forth in the Schedule (P.) hereto annexed, and being followed by a Writ of Investiture by the Oversuperior as herein-after provided, also written upon such Deed of Relinquishment, and on such Deed with the Acceptance and Writ of Investiture written thereon being thereafter recorded in the appropriate Register of Sasines, the Superiority so relinquished shall be held to be extinguished, and the Vassal and his Successors in the Lands shall hold the same as immediate Vassals of the Oversuperior by the Tenure and for the Reddendo by and for which such relinquished Superiority was held, and the Vassal and his foresaids shall be entitled to apply for an Entry to such Oversuperior accordingly as his immediate Superior; and such Relinquishment by a Superior who shall not have completed his Title to the Superiority relinquished shall not infer a passive Representation on his Part, nor any Liability for the Debts of the Person last infeft therein, beyond the Price, if any, which he may receive for such Relinquishment.

Investiture by Oversuperior.

XIX. On the Application of the Vassal in the relinquished Superiority, and on Production by him of such Deed of Relinquishment, and Acceptance thereof, and on his paying or tendering such Duties and Casualties as may be exigible by the Oversuperior, the

Oversuperior shall be bound to receive the Vassal as his immediate Vassal by Writ of Investiture in the Form as near as may be of the Schedule (Q.) to this Act annexed, to be written on the Deed of Relinquishment, and the Tenendas and Reddendo contained in the Title Deeds of the relinquished Superiority shall be inserted in room of those contained in the former Investiture held under the relinquished Superiority; and where the Lands are held of the Crown or of the Prince and Steward of Scotland such Writ of Investiture shall be obtained from the Presenter of Signatures in the same Manner as is herein-before directed in regard to Confirmations written on the Deeds confirmed, and the Deed of Relinquishment, with the Acceptance and Writ of Investiture thereon, shall be officially transmitted to the Director of Chancery and recorded in the same Manner in which Crown Charters are now in use to be recorded, and shall thereafter be delivered to the Vassal or his Agent on Payment of the same Fees as are now payable for recording a Charter in Chancery: And the Investiture completed upon such Relinquishment of the Superiority shall be as effectual as if the Granter of the Deed of Relinquishment had completed his Title to the Superiority, and had thereafter conveyed the same to the Vassal, and the latter, after having completed his Titles under the Oversuperior, had resigned ad remanentiam in his own Hands: Provided always, that the Investiture so completed shall not in any respect extend the Rights or Interests of such Oversuperior, and that he shall be entitled to no more than the Duties and Casualties, taxed or untaxed, to which he would have been entitled if the Granter of the Deed of Relinquishment had remained his Vassal.

Application of Price of entailed Superiorities.

XX. Where the Right of Superiority so relinquished shall form Part of an Estate held under a Deed of strict Entail, such Relinquishment shall not operate as a Contravention of such Entail, anything contained in the Deed of Entail or any Act of Parliament notwithstanding; and the Price agreed to be paid for such Superiority so relinquished, if any, shall be consigned by the Vassal in one of the chartered Banks, in Name of the Accountant of the Court of Session, and shall be applicable and applied in such and the like Manner and to such and the like Purposes as Purchase Money or Compensation coming to Parties having limited Interests is made applicable, under the Lands Clauses Consolidation (Scotland) Act, 1845, or under the Act of the Eleventh and Twelfth Victoria, Chapter Thirty-six, intituled "An "Act for the Amendment of the Law of Entail in Scotland;" and for that Purpose it shall be competent to the Heir of Entail in possession to present a Petition to the Court of Session, praying to have the Price so applied, and such Petition shall set forth the Names, Designa-

Designations, and Places of Abode of those Heirs of Entail whose Consents would be required to the Execution of an Instrument of Disentail; and on such Petition being served on such Parties, and being intimated in the Minute Book and on the Walls, in common Form, it shall be competent for the Court to direct the Price to be applied to such of the said Purposes as may appear to them to be most expedient: Provided always, that where the Sums agreed to be paid for all the Superiorities which form Part of an entailed Estate shall not exceed the Sum of *Two hundred Pounds* such Sums shall belong to the Heir in possession, and the Court shall direct such Sums to be paid to him.

Price of Superiorities of entailed Lands may be charged on the entailed Estate.

XXI. Where the Lands of which the Superiority is so relinquished shall be held by the Vassal under a Deed of strict Entail, the Vassal in such Lands shall be entitled and he is hereby authorized to grant a Bond and Disposition in Security over the entailed Estate for the full Amount of the Price paid for the relinquished Superiority, and his granting such Bond and Disposition in Security shall not operate as a Contravention of such Entail, anything contained in the Deed of Entail or any Act of Parliament notwithstanding: Provided always, that such Bond and Disposition shall be granted with the Consent of those Heirs of Entail whose Consents would be required to the Execution of an Instrument of Disentail of the Lands, or, provided a Judicial Warrant is obtained for granting such Bond and Disposition, by obtaining a Decree of the Court of Session pronounced on a Petition by the Heir of Entail in possession praying for such Warrant; and the Proceedings under such Petition shall be the same or as nearly as may be the same as the Proceedings under a Petition to charge an entailed Estate with Provisions to younger Children, as authorized by the Act of the Eleventh and Twelfth Victoria, Chapter Thirty-six, intituled "An Act for the "Amendment of the Law of Entail in Scotland:" Provided always, that it shall not be necessary that such Petition should be publicly advertised in any Newspaper, but that Service and Intimation only shall be made in common Form.

Interpretation Clause.

XXII. The following Words in this Act and in the Schedule annexed to this Act shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say, the Word "Deed" and the Word "Conveyance" shall extend to and include original Charters, Charters of Resignation, of Adjudication, or of Sale, Dispositions, Bonds and Dispositions in Security, Bonds of Annuity or of Annual Rent, or other Heritable Bonds, Feu Contracts, Contracts of Ground Annual, Decrees of Adjudication either in

Implement or for Debt, Decrees of Sale or of Special Service, Precepts from Chancery, Precepts of Clare Constat, Writs of Acknowledgment, Contracts of Excambion, or other Deed by which Lands are conveyed, or Rights in Lands, either absolute or redeemable or in Security, are constituted or conveyed; the Word "Lands" shall extend to and include Lands, Houses, Teinds, Fishings, Patronages, Mills, Mines, Minerals, and in general all Heritable Subjects, Securities, and Rights; the Word "Instrument" shall extend to and include all Notarial Instruments authorized by this Act, and also Instruments of Sasine; the Words "Notarial Instruments" shall include only the Notarial Instruments authorized by this Act.

Recorded Instruments not to be challenged on the Ground of Erasures.

XXIII. The Act of the Sixth and Seventh of His late Majesty King William the Fourth, Chapter Thirty-three, intituled "An Act "to amend and regulate the Law of Scotland as to Erasures in "Instruments of Sasine and of Resignation ad remanentiam," shall extend and be applicable to Notarial Instruments authorized by this Act, but no further.

Diligence against Apparent Heirs.

XXIV. Actions of Constitution and Adjudication against an Apparent Heir on account of his Ancestor's Debt or Obligation, for the Purpose of attaching the Ancestor's Heritable Estate, may be combined in One Summons, whether the Heir renounce the Succession or not: And Actions of Constitution, and Actions of Constitution and Adjudication, against an Apparent Heir, on account of his Ancestor's Debt or Obligation, for the Purpose of attaching the Ancestor's Heritable Estate, and Actions of Adjudication against such Heir on account of his own Debt or Obligation, for the Purpose of attaching such Estate, may be insisted in at any Time after the Lapse of *Six* Months from the Date of his becoming Apparent Heir, any Law or Practice to the contrary notwithstanding: And in all such Cases a Decree of Adjudication shall be held equivalent to and shall have the legal Operation and Effect of a Conveyance with a double Manner of holding from the Ancestor whose Estate is adjudged in favour of the Adjudger.

Deeds and Instruments may be partly written and partly printed or lithographed.

XXV. All Deeds and Instruments whatever, mentioned or not mentioned in this Act, having a Testing Clause, may be partly written and partly printed or lithographed: Provided always, that in the Testing Clause the Date, and the Names and Designations of the Witnesses, and the Number of the Pages of the Deed or Instrument, and the Name and Designation of the Writer of the written Portions of the Body of the Deed or Instrument and of the written Portions of the Testing Clause, shall be expressed at length in Writing; and such Deeds and Instruments shall be valid and effectual

effectual in the same Manner as if they had been wholly in Writing, according to the present Law and Practice.

XXVI. This Act shall not extend or apply to the Titles of Lands held by Burgage Tenure.

XXVII. This Act may be cited for all Purposes as "The Completion of Titles (Scotland) Act, 1858." Title of Act.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Notarial Instrument in favour of Disponee or his Assignee, &c.

At there was by [*or* on behalf of] *A.B.* of *Z.*, Esquire, presented to me, Notary Public subscribing, a Disposition [*or other Deed, or* an Extract of a Deed, *as the Case may be,*] granted by *C.D.* of *Y.*, Esquire, and bearing Date [*insert the Date*], by which Disposition the said *C.D.* sold, alienated, and disponed to the said *A.B.* [*or* gave, granted, and disponed, *or otherwise, as the Case may be*, to the said *A.B.*] [*or* to *E.F.*], and his Heirs and Assignees [*insert the Destination, if any,*] heritably and irredeemably [*or* redeemably, *or* in Liferent, *or otherwise, as the Case may be,*] all and whole [*here insert the Description of the Subjects conveyed, and state the Reddendo; and if the Deed be granted under the Burden of a Real Lien or Servitude, or any other Incumbrance, Condition, or Qualification of the Right, or under Redemption, add here*], "but always "under the Burden of a Real Lien," *&c.* [*as the Case may be*]. [*If the Party expeding the Instrument be other than the original Disponee, add*] as also there was presented to me [*here specify the Title or Series of Titles by which the Party acquired Right*], whereupon this Instrument is taken by the said *A.B.* in the Hands of *G.H.* [*insert Name and Designation of Notary Public*], in the Terms of the Act Victoria, intituled "An Act to simplify the Forms and "diminish the Expense of completing Titles to Land in Scotland." In witness whereof [*here insert a Testing Clause in usual Form*].

(Signed) *G.H.*,
Notary Public.

I.K. Witness.
L.M. Witness.

SCHE-

SCHEDULE (B.)

Crown Confirmation on Deed confirmed.

Victoria, *&c.* We, immediate lawful Superiors of the Lands contained in this Deed [*or* Decree, *or* Instrument, *or otherwise, as the Case may be*], confirm the same in favour of *C. D.*, but subject always to and in so far as consistent with the [*here specify the last or other Charter or Precept or Writ of Acknowledgment*], and our own Rights. Given at Edinburgh, the Day of in the Year .

Signed by the Presenter of Signatures.

Note.—When the Confirmation is to be granted by or on behalf of the Prince or Steward of Scotland, it will be granted in Name of the Prince or Steward of Scotland, without adding His Highness's other Titles.

SCHEDULE (C.)

Confirmation by a Subject Superior on Deed confirmed.

I *A.B.*, lawful Superior of the Lands contained in this Deed [*or* Decree, *or* Instrument, *or otherwise, as the Case may be*], confirm the same in favour of *C.D.*, but subject always to and in so far as consistent with my own Rights. In witness whereof [*here insert the usual Testing Clause*].

SCHEDULE (D.)

Crown Writ of Acknowledgment.

Victoria, &c. [*adopt the present Form of a Crown Precept down to the Warrant for Infeftment, and in place of such Warrant add*], therefore we do hereby acknowledge *C.D.* to be the Heir of *E.F.* in the said Lands. Given at Edinburgh, the Day of in the Year

Signed by the Director of Chancery, or his Depute or Substitute.

Note.—When the Writ is to be granted by or on behalf of the Prince or Steward of Scotland, it will run in Name of the Prince or Steward of Scotland, without adding His Highness's other Titles, or will run in Name of Her Majesty as his Administrator.

SCHEDULE (E.)

Writ of Acknowledgment by a Subject Superior.

Because by authentic Instruments and Documents it clearly appears that the deceased *C.D.* died last vest and seised as of Fee in all and whole [*describe the Lands*], in virtue of [*specify Title of C.D.*], and that *E.F.* is [*describe Relationship*], therefore I *A.B.*, immediate lawful Superior of the Lands and others above written, hereby acknowledge the said *E.F.* to be the nearest and lawful Heir of the said *C.D.* in the said Lands, to be holden of me [*insert Tenendas and Reddendo Clauses, and specify the Conditions and Burdens of the Right, if any, and add*], saving and reserving always my own Rights. In witness whereof [*here insert Testing Clause in the usual Form*].

SCHEDULE (F.)

Notarial Instrument in favour of a general Disponee, or his Assignee, &c.

At there was by [*or* on behalf of] *A.B.* of *Z.*, presented to me, Notary Public subscribing, a Disposition [*or other Deed or Instrument*], recorded in the [*specify Register of Sasine and Date of recording*], by which recorded Disposition [*or other Deed or Instrument*] *C.D.* of *Y.* was vest in all and whole [*here describe the Lands*]; as also there was presented to me a general Disposition [*or other Deed, or* an Extract of a Deed], granted by the said *C.D.*, and bearing Date [*here insert Date*], by which general Disposition the said *C.D.* sold, alienated, and disponed [*or* gave, granted, and disponed, *or otherwise, as the Case may be*] to the said *A.B.*, and his Heirs and Assignees [*or otherwise, as the Case may be*], heritably and irredeemably [*or* redeemably, *or* in Liferent, *or otherwise, as the Case may be*], all and whole his Heritable Estate of which he was [*or* might die] possessed of. [*If the Deed be granted under any Real Burden or Condition or Qualification, add here,* " but always under the Burden of the Real Lien, *&c.;*" *and if the Deed be granted in trust, or for certain Purposes, add,* " but always in trust *or* for the Uses and Purposes mentioned in said Deed." *If the Party expeding the Instrument be other than the original Disponee, add,* " as also there was presented to me " [*here specify the Title or Series of Titles by which the Party acquired Right. If, also, the general Conveyance be a mortis causâ Deed, add,* " and sufficient Evidence was given to me that the said *C.D.* was deceased."] Whereupon this Instrument is taken by the said *A.B.*, in the Hands of *G.H.*, *&c.*, *as in Schedule* (*A.*)

SCHE-

SCHEDULE (G.)

No. 1.

Assignation of an Unrecorded Conveyance.

I *A.B.*, in consideration of, *&c.* [*or otherwise, as the Case may be*], hereby assign to *C.D.*, and his Heirs and Assignees [*or otherwise, as the Case may be*], the Disposition [*or other Deed, specifying the Nature of the Deed*], granted by *E.F.*, dated, *&c.*, by which he conveyed the Lands of *X.*, as therein described, to me [*or otherwise, as the Case may be, specifying the connecting Title*]. In witness whereof [*here insert a Testing Clause in the usual Form*].

No. 2.

Assignation of an Unrecorded Conveyance written upon the Conveyance.

I *A.B.*, in consideration of, *&c.* [*or otherwise, as the Case may be*], hereby assign to *C.D.*, and his Heirs and Assignees [*or otherwise, as the Case may be*], the above Disposition of the Lands of *X.*, as therein described, granted in my Favour [*or otherwise, as the Case may be, specifying the connecting Title*]. In witness whereof [*here insert a Testing Clause in the usual Form*].

SCHEDULE (H.)

Notarial Instrument in favour of an Assignee to an Unrecorded Conveyance.

At there was by [*or* on behalf of] *A.B.*, of *Z.*, Esquire, presented to me, Notary Public subscribing, a Disposition [*or other Deed, as the Case may be, specifying the Nature of the Deed*], granted by *C.D.*, of *Y.*, Esquire, and bearing Date [*insert Date*], by which Disposition the said *C.D.* conveyed to *E.F.* the Lands of *X.*, as therein described, and which Disposition is to be recorded in the Register of Sasines along with this Instrument; as also there was presented to me [*here specify the Title or Series of Titles by which A.B. acquired right*], whereupon this Instrument is taken by the said *A.B.* in the Lands of *G.H.* [*insert Name and Designation of Notary Public*], in the Terms of the Act Victoria intituled "An Act to simplify the Form and diminish the Expense of completing Titles to Land in Scotland." In witness whereof [*here insert a Testing Clause in usual Form*].

(Signed) *G. H.*,
Notary Public.

I. K., Witness.
L. M., Witness.

SCHEDULE (I.)

Clause of Reference to prior Descriptions of Lands.

"as particularly described in the Disposition [*or other Deed, as the Case may be,*] granted by *C.D.*, and bearing Date [*here insert Date*], and recorded in the [*specify the Register of Sasines*] on the Day of in the Year ;" [*or* "as particularly described in the Instrument of Sasine, recorded, *&c.*"] [*If Part only of Lands is conveyed, describe such Part, and add* "being Part of the Lands particularly described, *&c.*;" *or thus*, "as particularly described, *&c.*, with the Exception of," *and describe the Part excepted*].

SCHEDULE (K.)

Clause of Reference to Conveyance, containing new Designation of Lands.

"as particularly described in the Disposition [*or other Deed, as the Case may be,*] granted by *C.D.*, and bearing Date [*here insert Date*], and recorded in the [*specify the Register of Sasines*] on the Day of in the Year , and in which the Lands herein contained are declared to be known and designed by the said Name of" [*here insert Name,*] [*or* "as particularly described in the Instrument of Sasine, recorded, *&c.*, and in which the Lands herein contained are declared, *&c.*"] [*If Part only of Lands is conveyed, then as in Schedule* (*I.*)]

SCHEDULE (L.)

Clause of Reference to Destinations in Entails.

[*After inserting such Part of the Destination as may be thought necessary, add*] "and to the other Heirs specified and contained in a Disposition and Deed of Entail of the said Lands executed by the deceased *E.F.*, bearing Date the Day of in the Year , and recorded in the Register of Tailzies on the Day of in the Year ," [*or* "in the said Disposition and Deed of Entail dated and recorded as aforesaid," *or* "in a Deed [*or* Instrument] recorded [*specify Register of Sasines*] upon the Day of in the Year "].

SCHEDULE (M.)

Notarial Instrument in favour of Judicial Factor.

At there was, by [*or* on behalf of] *A.B.*, presented to me, Notary Public subscribing, an Extract Decree bearing Date [*insert Date*], by which the said *A.B.* was appointed Judicial Factor on the Estate of *CD.* [*or otherwise, as the Case may be*]; and also an Interlocutor dated [*insert Date, and specify the Warrant for completing Title*]; as also there was presented to me a Disposition [*or other Deed or Instrument*] [*insert Date*] recorded in the [*specify Register of Sasine and Date of recording*], by which [*&c., as in Schedule* (*A.*), *specifying the Title or Series of Titles by which the Lands are held*]. Whereupon this Instrument [*&c., as in Schedule* (*A.*)].

SCHEDULE (N.)

Notarial Instrument in favour of a Trustee in a Sequestration.

At there was, by [*or* on behalf of] *A.B.*, presented to me, Notary Public subscribing, an Extract Act and Warrant of Confirmation in his Favour as Trustee on the sequestrated Estate of *C.D.*, dated [*insert Date*]; as also there was presented to me a Disposition [*or other Deed or Instrument*] [*insert Date*] recorded in the [*specify Register and Date of recording*], by which [*&c., as in Schedule* (*A.*), *specifying the Title or Series of Titles by which the Bankrupt held the Lands*]. Whereupon this Instrument [*&c., as in Schedule* (*A.*)].

SCHEDULE (O.)

Deed of Relinquishment of Superiority.

I *A.B.*, immediate lawful Superior of all and whole [*here describe the Lands*], absolutely and gratuitously [*or* in consideration of the Sum of Pounds paid or consigned], hereby relinquish and renounce my Right of Superiority of the said Lands in favour of *C.D.*, my immediate Vassal, and his Successors therein, and declare that the said Lands shall no longer be held of me as Superior, but shall be held of my immediate lawful Superior in all Time to come. In witness whereof [*here insert usual Testing Clause*].

SCHEDULE (P.)

Acceptance by Vassal written on Deed of Relinquishment.

I *C.D.*, the immediate Vassal in the Lands described in this Deed, accept the Relinquishment of the Superiority of the said Lands. In witness whereof [*here insert usual Testing Clause*].

SCHEDULE (Q.)

Writ of Investiture written on Deed of Relinquishment.

I *A.B.*, lawful Superior of the Lands contained in this Deed accept and receive *C.D.*, and his Heirs and Successors whomsoever, [*or otherwise, according to the Destination contained in the Title to the Lands,*] in place of *E.F.*, and his Heirs and Successors, in virtue of the above Deed of Relinquishment, and Acceptance thereof. To be held the said Lands by the said *C.D.* and his foresaids [*specify the Tenendas and Reddendo contained in the Titles of the relinquished Superiority*].

Titles to Land (Scotland.)

A

BILL

To simplify the Forms and diminish the Expense of completing Titles to Land in Scotland.

(*Prepared and brought in by The Lord Advocate and Mr. Secretary Walpole.*)

Ordered, by The House of Commons, *to be Printed*, 2 *June* 1858.

[Bill 95.]

Under 3 *oz.*

(Scotland.)

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Simplify the Forms and diminish the Expense of completing Titles to Land in Scotland.

WHEREAS it is expedient to simplify the Forms and diminish the Expense of completing Titles to Land in Scotland: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. From and after the passing of this Act, it shall not be necessary to expede and record an Instrument of Sasine on any Conveyance of Lands, but it shall be competent and sufficient, instead of expeding and recording such Instrument of Sasine, to record the Conveyance itself in the Register of Sasines applicable to the Lands therein contained; and the Conveyance, being presented for Registration with a Warrant of Registration thereon, in or as nearly as may be in the Form of Schedule (A.) No. 1. hereto annexed, specifying the Person or Persons on whose Behalf it is so presented, and signed by such Person or Persons, or his or their Agent, and being so recorded along with such Warrant shall have the same legal Force and Effect in all respects as if the Conveyance so recorded had been followed by an Instrument Instruments of Sasine no longer necessary, but Conveyances may be recorded instead.

of Sasine duly expede and recorded at the Date of recording the said Conveyance, according to the present Law and Practice, in favour of the Person or Persons on whose Behalf the Conveyance is presented for Registration.

Not necessary to record the whole Conveyance.

II. Where a Conveyance of Lands shall be contained in a Deed granted for further Purposes and Objects, such as a Marriage Contract, Deed of Trust, or Deed of Settlement, it shall not be necessary to record the whole of such Deed, but it shall be competent and sufficient to expede and record in the appropriate Register of Sasines a Notarial Instrument setting forth generally the Nature of the Deed, and containing at length those Portions of the Deed by which the Lands are conveyed, and by which Real Burdens, Conditions, or Limitations are imposed; and where a Deed conveys separate Lands or separate Interests in the same Lands to the same or different Persons, it shall not be necessary to record the whole of such Deed, but it shall be competent and sufficient to expede and record as aforesaid a Notarial Instrument setting forth generally the Nature of the Deed, and containing at length the Part or Parts of the Deed by which particular Lands are conveyed to the Person or Persons in whose Favour the Notarial Instrument is expede, and the Part of the Deed which specifies the Nature and Extent of the Right and Interest of such Person or Persons, with the Real Burdens, Conditions, and Limitations, if any, and such Notarial Instrument shall be in or as nearly as may be in the Form of Schedule (B.) hereto annexed.

Clause A. Clause directing Part of Conveyance to be recorded.

III. Immediately before the Testing Clause of any Conveyance it shall be competent to insert a Clause of Direction, in or as nearly as may be in the Form of Schedule (C.) hereto annexed, specifying the Part or Parts of the Conveyance which the Granter thereof desires to be recorded in the Register of Sasines, and when such Clause is so inserted the Keeper of the Register shall record such Part or Parts only, together with the Clause of Direction and the Testing Clause, and the recording of such Part or Parts of the Conveyance, together with the Clause of Direction and the Testing Clause, and the Warrant of Registration as before provided, shall have the same legal Force and Effect as if a Notarial Instrument containing such Part or Parts of the Conveyance had been duly expede and recorded in favour of the Party on whose Behalf the Conveyance is presented: Provided always, that, notwithstanding such Clause of Direction, it shall be competent, on the Application of any Party entitled to present the Conveyance for Registration, to record the whole Conveyance, or to expede and record a Notarial Instrument as herein-before provided, in the same Manner as if the Conveyance had contained no such Clause of Direction: And where a Notarial

a Notarial Instrument shall be expede as herein-before provided, no Part or Parts of the Conveyance directed to be recorded shall be omitted from such Instrument.

Instruments of Resignation ad remanentiam no longer necessary, but Conveyances in favour of Superior may be recorded instead.

IV. It shall not be necessary to expede and record an Instrument of Resignation ad remanentiam on any Procuratory of Resignation ad remanentiam, or on any Conveyance containing an express Clause of Resignation ad remanentiam, but it shall be competent and sufficient to record in the appropriate Register of Sasines such Procuratory or Conveyance, with the Warrant of Registration thereon, or to expede and record a Notarial Instrument, as nearly as may be in the Form of Schedule (B.); and such Procuratory or Conveyance and Warrant, or such Notarial Instrument, being so recorded, shall have the same Effect as if an Instrument of Resignation ad remanentiam had been expede on such Procuratory or Conveyance, and had been recorded in the Register of Sasines, according to the present Law and Practice at the Date of recording such Procuratory or Conveyance or Instrument, and all Instruments of Resignation ad remanentiam may be in or as nearly as may be in the Form of Schedule (D.), and when in such Form may be recorded in the appropriate Register of Sasines at any Time during the Life of the Party in whose Favour the Resignation is made, and the Date of Presentment and Entry set forth on any Instrument of Resignation in such Form by the Keeper of the Register shall be the Date of the Resignation and of the Instrument; and in any Procuratory of Resignation ad remanentiam, or Conveyance authorizing Resignation ad remanentiam, it shall be competent, except when the separate Estate of Superiority is held under a Deed of strict Entail, to insert a Declaration that the Estates of Property and Superiority when united shall descend to the Series of Heirs contained in such Procuratory or Conveyance; and such Destination shall, except as aforesaid, be the ruling Destination of the said united Estates until competently altered.

Certain Clauses no longer necessary in Conveyances.

V. It shall not be necessary to insert in any Conveyance a Clause of Obligation to infeft, or a Precept of Sasine or Warrant for Infeftment; and if the Lands shall be disponed to be holden a me only or a me vel de me, the Clause so expressing the Manner of holding shall imply that the Lands are to be holden in the Manner expressed in the Act Tenth and Eleventh Victoria, Chapter Forty-eight, Section Two, with reference to Obligations to infeft a me or a me vel de me respectively; and a Clause of Resignation in any Conveyance shall be held to import a Resignation in favorem only, unless specially expressed to be a Resignation ad remanentiam: Provided always, that nothing herein contained shall prevent an Instrument of Resignation ad remanentiam being expede and recorded

on a Conveyance heretofore granted, and containing a Clause of Resignation in the Form authorized by the Tenth and Eleventh Victoria, Chapter Forty-eight.

Crown Writs of Confirmation.

VI. Where Lands are held of the Crown or Prince and Steward of Scotland, and a Confirmation of any Deed or Instrument of Sasine or Notarial Instrument recorded in the appropriate Register of Sasines shall be required, it shall be competent to apply to the Presenter of Signatures for a Writ of Confirmation to be written on such Deed or Instrument, instead of a Charter of Confirmation, and such Application shall be made in the same Manner in all respects as when a Charter of Confirmation is now applied for; and on the Presenter of Signatures being satisfied that the Party applying would be entitled to a Charter of Confirmation, he shall direct a Writ of Confirmation in, or as nearly as may be in, the Form of Schedule (E.) to be written on such Deed or Instrument; and such Writ of Confirmation shall be signed by the Presenter of Signatures, and the Amount of the Fees exigible in the Office of the Presenter of Signatures, and also of the Duties and Casualties payable in Exchequer on account of the Lands contained in the Deed or Instrument confirmed, shall be marked on the Deed or Instrument confirmed, and certified by the Signatures of the Auditor of Exchequer and of the Presenter of Signatures; and on Payment of such Fees, Duties, and Casualties being made, the Deed or Instrument so confirmed shall be officially transmitted to the Director of Chancery, who, or his Deputy or Substitute, shall enter or cause to be entered in a Book to be kept for the Purpose, and intituled "The Register of Confirmations," the leading Name or Names of the Lands comprehended in the Deed or Instrument confirmed, the Date of recording such Deed or Instrument, the Register in which the same is recorded, the Name of the Party in whose Favour the Writ of Confirmation is granted, the Date of the Confirmation, and also the Name of the last entered Vassal, and the Date of his Entry, and the Deed or Instrument so confirmed shall thereafter be delivered to the Party applying for Confirmation, or his Agent; and the Confirmation so granted shall in all respects be as effectual as a Charter of Confirmation according to the present Law and Practice, and shall be held to confirm the whole prior Deeds and Instruments necessary to be confirmed, in order to complete the Investiture of the Party obtaining the Confirmation.

Writs of Confirmation by Subject Superiors on the Deed confirmed.

VII. Where Lands are held of a Subject Superior and a Confirmation of any Deed or Instrument of Sasine or Notarial Instrument shall be required, it shall be competent for the Superior to confirm such Deed or Instrument by a Writ of Confirmation, to be written upon

upon such Deed or Instrument, as nearly as may be, in the Form of Schedule (E.), and the Confirmation so granted shall be to all Intents and Purposes as effectual as a Charter of Confirmation according to the present Law and Practice, and the Superior shall be bound so to confirm such Deed or Instrument, if required so to do: Provided always, that the Party requiring such Confirmation shall be entitled to demand an Entry by Confirmation, and shall, if required, produce to the Superior a Charter or other Writ showing the Tenendas and Reddendo of the Lands contained in such Deed or Instrument, and shall also at the same Time pay or tender to the Superior such Duties or Casualties as he may be entitled to demand; and the Confirmation so granted shall be held to confirm the whole prior Deeds and Instruments necessary to be confirmed in order to complete the Investiture of the Party obtaining the Confirmation.

CLAUSE B. Crown Writ of Resignation.

VIII. Where Lands are held of the Crown, or Prince and Steward of Scotland, and a new Investiture by Resignation shall be required, it shall be competent to apply to the Presenter of Signatures for a Writ of Resignation, to be written on the Deed which is the Warrant for Resignation, instead of a Charter of Resignation; and such Application shall be made in the same Manner in all respects as when a Charter of Resignation is now applied for; and on the Presenter of Signatures being satisfied that the Party applying would be entitled to a Charter of Resignation, he shall direct a Writ of Resignation, in the Form of Schedule (F.), to be written on the Deed which is the Warrant for Resignation; and the Writ of Resignation shall be signed by the Presenter of Signatures, and the Amount of the Fees exigible in the Office of the Presenter of Signatures, and also of the Duties and Casualties payable in Exchequer on account of the Lands resigned, shall be marked on the Deed, and certified by the Signatures of the Auditor of Exchequer and of the Presenter of Signatures; and on Payment of such Fees, Duties, and Casualties being made, the Deed shall be officially transmitted to the Director of Chancery, who, or his Deputy or Substitute, shall enter or cause to be entered in a Book to be kept for the Purpose, and entitled "The Register of Resignations," the leading Name or Names of the Lands resigned, the Name of the Party in whose Favour the Writ is granted, the Date of the Writ, and also the Name of the last entered Vassal, and the Date of his Entry; and the Deed shall thereafter be delivered to the Party applying for the same, or his Agent, and the Deed, with the Writ of Resignation so written upon it, shall in all respects be as effectual as if a Charter of Resignation of the Lands had been duly obtained according to the present Law and Practice, and shall, to all Intents and Purposes, operate as a Confirmation of the

whole prior Deeds and Instruments necessary to be confirmed in order to complete the Investiture of the Party obtaining such Writ; and it shall be competent to record in the appropriate Register of Sasines the Deed, with the Writ of Resignation written thereon, and the Warrant of Registration and the recording of the same shall have the same legal Force and Effect in all respects as if a Charter of Resignation had been granted, and such Charter had been followed by an Instrument of Sasine duly expede and recorded at the Date of recording such Deed and Writ, according to the present Law and Practice, in favour of the Party on whose Behalf the Deed and Writ are presented for Registration: Provided always, that the recording of such Deed along with such Writ shall not have the Effect of an Instrument of Sasine following on such Deed.

CLAUSE C. Writ of Resignation by Subject Superiors.

IX. Where Lands are held of a Subject Superior, and a new Investiture by Resignation shall be required, it shall be competent for the Superior to grant a Writ of Resignation as nearly as may be in the Form of Schedule (F.), which shall be written on the Deed which is the Warrant for Resignation, and the Deed with the Writ of Resignation written thereon, shall be to all Intents and Purposes as effectual as if a Charter of Resignation had been granted in the usual Form, according to the present Law and Practice, and the Superior shall be bound to grant such Writ of Resignation instead of a Charter of Resignation, if required so to do: Provided always, that the Party requiring such Writ shall be entitled to demand an Entry by Resignation, and shall, if required, produce to the Superior a Charter or other Writ showing the Tenendas and Reddendo of the Lands resigned, and shall also at the same Time pay or tender to the Superior such Duties or Casualties as he may be entitled to demand; and the Writ of Resignation shall, to all Intents and Purposes operate as a Confirmation of the whole prior Deeds and Instruments necessary to be confirmed in order to complete the Investiture of the Party obtaining the Writ; and it shall be competent to record in the appropriate Register of Sasines the Deed with the Writ of Resignation written thereon, and the Warrant of Registration and the recording of the same shall have the same legal Force and Effect in all respects as if a Charter of Resignation had been granted, and such Charter had been followed by an Instrument of Sasine duly expede and recorded, at the Date of recording the said Deed and Writ, according to the present Law and Practice, in favour of the Party on whose Behalf the Deed and Writ are presented for Registration: Provided always, that the recording of such Deed along with such Writ shall not have the Effect of an Instrument of Sasine following on such Deed.

X. In

Clause D. Charters of Resignation.

X. In granting Charters of Confirmation or Resignation or other Charters by Progress it shall be competent and sufficient to refer to the Tenendas and Reddendo of the Lands therein contained, as set forth at Length in any Charter or other Writ recorded in any Public Register, and Subject Superiors shall be bound, if required, to grant such Charters in the Form hereby authorized, in like Manner as they are now bound to grant similar Charters according to the Forms at present in use.

Writs of Clare constat.

XI. Where, according to the present Law and Practice, Precepts from Chancery or Precepts of Clare constat are in use to be granted, it shall be competent and sufficient to grant a Writ of Clare constat in or as nearly as may be in the Form of Schedule (G.), and to record such Writ of Clare constat with the Warrant of Registration thereon, in the appropriate Register of Sasines; and the same being so recorded shall have the same legal Force and Effect in all respects as if a Precept from Chancery or Precept of Clare constat had been granted, and an Instrument of Sasine thereon had been duly expede and recorded at the Date of recording the said Writ, according to the present Law and Practice, in favour of the Person or Persons on whose Behalf such Writ is presented for Registration; and Superiors shall be bound to grant such Writs of Clare constat, if required by the Heir entitled to demand the same: Provided always, that the Heir shall, if required, produce a Charter or other Writ showing the Tenendas and Reddendo of the Lands in which his Ancestor died vest, and shall also at the same Time pay or tender to the Superior such Duties or Casualties as he may be entitled to demand; and where the Lands are held of the Crown or of the Prince and Steward of Scotland, or where the Heir is required by the Superior, he shall also produce a Decree of General or of Special Service establishing his Right to succeed to the Lands; and where the Lands are held of the Crown or Prince and Steward of Scotland, the Application for such Writ of Clare constat shall be made in the same Manner in all respects as when a Precept from Chancery is now applied for; and such Writ of Clare constat shall be recorded in Chancery as Precepts are now in use to be recorded, and all Precepts from Chancery, Precepts and Writs of Clare constat, shall operate as a Confirmation of the whole Deeds and Instruments necessary to be confirmed in order to complete the Investiture of the Parties obtaining such Precepts or Writs.

Notarial Instrument in favour of a general Disponee.

XII. Where a Party shall have granted or shall grant a general Conveyance of his Lands, whether by Deed mortis causa or inter vivos,

vivos, it shall be competent to the Disponee under such Conveyance or to any other Party who shall have acquired Right to such Conveyance in whole or in Part by Service, Assignation, Adjudication, or otherwise, to expede and record a Notarial Instrument and in or as nearly as may be in the Form of Schedule (H.); and on such Notarial Instrument being duly recorded in the appropriate Register of Sasines, such Disponee or such other Party acquiring Right as aforesaid shall be in all respects in the same Position as if a Disposition had been executed by the Grantor of the General Conveyance, in favour of the Party expeding the Notarial Instrument, of the Lands contained in such Notarial Instrument, with such Manner of holding, if any, as is expressed in the General Conveyance, and if no particular Manner of holding is therein expressed, then to be holden a me or a me vel de me, according as the Grantor of the General Conveyance would have been entitled to dispone such Lands to be holden a me only, or a me vel de me, and as if such Disposition had been followed by an Instrument of Sasine of the said Lands in his Favour, duly expede and recorded at the Date of recording such Notarial Instrument, according to the present Law and Practice: Provided always, that where such Notarial Instrument shall be expede by a Party other than the original Disponee under such general Conveyance, the Notarial Instrument shall set forth the Title or Series of Titles by which the Party in whose Favour the Instrument is expede acquired Right to such Conveyance, and the Nature and Extent of his Right.

Assignation to an unrecorded Conveyance.

XIII. It shall be competent to any Party, in right of an unrecorded Conveyance, to assign the Conveyance in or as nearly as may be in the Form of Schedule (I.), No. 1., and the Assignation, or in the event of there being more than One, the successive Assignations, may be recorded in the appropriate Register of Sasines along with the Conveyance itself, and a Warrant of Registration thereon in or as nearly as may be in the Form of Schedule (A.), No. 2., and it shall be competent to write the Assignation or Assignations on the Conveyance itself in or as nearly as may be in the Form of Schedule (I.), No. 2.; and the Conveyance, with such Warrant of Registration, along with the Assignation or Assignations, separate from or written upon the Conveyance, being so recorded, shall operate in favour of the Assignee on whose Behalf they are presented for Registration, as fully and effectually as if the Lands contained in the Assignation, or if there be more than One the last Assignation, had been disponed by the original Conveyance in favour of such Assignee, and the Conveyance, with the Warrant of Registration, had been recorded in the Manner herein-before provided, of the Date of recording such Conveyance and Assignation or Assignations.

XIV. Where

Notarial Instrument in favour of a Party acquiring Right to an unrecorded Conveyance.

XIV. Where any Party shall have acquired Right by General Conveyance, Service, Assignation, Adjudication, or otherwise, to an unrecorded Conveyance, granted in favour of another Person, and which is legally transmissible, it shall be competent to such Party to expede a Notarial Instrument in or as nearly as may be in the Form of Schedule (K.), setting forth the Conveyance and the Title or Series of Titles by which he acquired Right to the same and the Nature and Extent of his Right, and to record the Conveyance along with the Notarial Instrument in the appropriate Register of Sasines, or where it is not desired to record the whole of the Conveyance, it shall be competent to expede a Notarial Instrument in or as nearly as may be in the Form of Schedule (B.), setting forth generally the Nature of the Deed, and containing at length those Portions of the Deed by which the Lands in regard to which the said Instrument is expede are conveyed, and by which Real Burdens, Conditions, or Limitations are imposed, and also setting forth the Title or Series of Titles by which the Party acquired Right to the Conveyance, and the Nature and Extent of his Right, and to record such Notarial Instrument in the appropriate Register of Sasines; and on the Conveyance, along with such Notarial Instrument in the Form of the said Schedule (K.), or on such Notarial Instrument in the Form of the said Schedule (B.), being so recorded, the Party expeding the Instrument shall be in the same Position as if the original Conveyance had been granted to himself, and along with a Warrant of Registration thereon, had been recorded in the Manner herein-before provided, of the Date of recording the Notarial Instrument.

Particular Description of Lands contained in prior recorded Deeds may be referred to, &c.

XV. In all Cases where Lands have been particularly described in any prior Conveyance, or other Writ, duly recorded in the appropriate Register of Sasines, it shall not be necessary, in any subsequent Conveyance or Writ, to repeat the particular Description of the Lands at Length, but it shall be sufficient to specify the leading Name or Names of the Lands conveyed, and the Name of the County and Parish or supposed Parish, and to refer to the particular Description contained in the prior Conveyance or other Writ so recorded, in or as nearly as may be in the Manner set forth in Schedule (L.), No. 1.; and the Specification and Reference so made shall be held to be equivalent to the full Insertion of the particular Description contained in such prior Conveyance or other Writ so recorded, and shall have the same Effect as if the particular Description had been inserted exactly as it is set forth in such prior Conveyance or other Writ; and after the leading Name or Names of the Lands contained in several Conveyances or other Writs duly recorded as aforesaid shall have been specified in any subsequent Conveyance or other Writ as above provided, it shall be competent and sufficient

to use such leading Name or Names, with the Addition of the Name of the County and Parish or supposed Parish, and to make Reference to the Writ in which such leading Name or Names shall have been so specified, without again referring to the several Conveyances or other Writs containing the particular Description of such Lands; and in such Case the Use of such leading Name or Names, with the Addition and Reference before provided, shall be held to be equivalent to the full Insertion of the particular Description contained in the several Conveyances or other Writs recorded as aforesaid and specified as aforesaid.

Various Lands conveyed by the same Deed may be comprehended under One general Name.

XVI. Where several Subjects are comprehended in One Conveyance in favour of the same Person or Persons, it shall be competent to insert a Clause in the Conveyance declaring that the whole Lands conveyed, and therein particularly described, shall be designed and known in future by One general Name to be therein specified; and on the Conveyance containing such Clause being duly recorded in the appropriate Register of Sasines, it shall be competent in all subsequent Conveyances, or other Writs to use the general Name specified in such Clause as the Name of the several Subjects declared by such Clause to be comprehended under it, and a Conveyance of such several Subjects under the general Name so specified shall be as effectual in all respects as if the Conveyance contained a particular Description of each of such several Subjects: Provided always, that Reference be made in such Conveyances and Instruments of Sasine and Notarial Instruments to a prior recorded Conveyance or Instrument of Sasine or Notarial Instrument or other Writ in which such Clause and Description are contained; provided also, that it shall not be necessary in such Clause to comprehend under One general Name the whole Lands contained in the Conveyance in which such Clause is inserted, but that it shall be competent to comprehend certain Lands under one general Name, and certain other Lands under another general Name, it being clearly specified what Lands are comprehended under each general Name; and such Clause of Reference shall be in or as nearly as may be in the Terms set forth in Schedule (L.), No. 2. hereto annexed.

Destinations in Entails may be referred to.

XVII. Where Lands are or shall hereafter be held under a Deed of Entail it shall not be necessary to repeat the Destination contained in such Entail at length in the Conveyances, Instruments of Sasine, Notarial Instruments, or other Writs necessary to transmit, renew, or complete a Title under such Entail, but it shall be sufficient to refer to the Destination as set forth at full Length in the Deed of Entail recorded in the Register of Tailzies, if the same shall have been

so

so recorded, or as set forth at full Length in any Conveyance, Instrument of Sasine, Notarial Instrument or other Writ duly recorded in the appropriate Register of Sasines forming Part of the Progress of Title Deeds of the Lands comprehended under the said Entail, such Reference being made in the Terms or as nearly as may be in the Terms set forth in Schedule (L.), No. 3., hereto annexed; and the Reference so made to such Destination shall be equivalent to the full Insertion thereof, and shall to all Intents and in all Questions whatever have the same legal Effect as if the Destination in the recorded Deed, Instrument, or other Writ referred to had been inserted at Length, notwithstanding any Law or Practice to the contrary, or any Injunction to the contrary contained in such Deed of Entail, and notwithstanding any Enactments or Provisions to the contrary contained in any Act or Acts of Parliament now in force, all which are hereby repealed, so far as inconsistent herewith, but no farther.

Certain Clauses in Entails no longer necessary.

XVIII. Where a Deed of Entail contains an express Clause authorizing Registration of the Deed in the Register of Tailzies it shall not be necessary to insert Clauses of Prohibition against Alienation, contracting Debt, and altering the Order of Succession, but such Clause of Registration shall have in every respect the same Operation and Effect as if such Clauses of Prohibition had been inserted according to the present Law and Practice, and duly fenced with irritant and resolutive Clauses.

Recording of Conveyances in the Register of Sasines authorized.

XIX. All Conveyances and Procuratories of Resignation ad remanentiam, with Warrants of Registration written thereon, and all Notarial Instruments, and Instruments of Resignation ad remanentiam hereby authorized to be recorded in the Register of Sasines, may be recorded at any Time in the Life of the Party on whose Behalf the same shall be presented for Registration, in the same Manner as Instruments of Sasine are recorded, and the Keepers of such Register are hereby authorized and required to record the same accordingly, when presented for that Purpose; and the Date of Entry in the Minute Book shall be held to be the Date of Registration, and all such Conveyances, Procuratories of Resignation ad remanentiam, Notarial Instruments, and Instruments of Registration ad remanentiam, shall in Competition be preferable according to the Date of the Registration thereof; and Extracts of all such Conveyances, Procuratories of Registration, Warrants of Registration, Notarial Instruments, and Instruments of Resignation ad remanentiam so recorded shall make faith in all Cases in like Manner as the recorded Conveyances, Procuratories, Memoranda, and Instruments themselves, except where any such Conveyance, Procuratory, Warrant, or Instrument so recorded shall be offered to be improven.

Present Forms of Conveyances may be used.

XX. Nothing contained in this Act shall prevent the Constitution, Transmission, or Completion of Land Rights by the Forms in use prior to the passing of this Act.

Mode of completing Title by a Judicial Factor.

XXI. Where a Judicial Factor or other Judicial Manager shall be authorized to complete a Title to any Lands, and where the Warrant granted for completing such Title shall specify the Lands to which such Title is to be completed, such Warrant shall have the legal Operation and Effect of a Disposition of such Lands in favour of such Judicial Factor or Manager from the Party whose Estate is under Judicial Management, to be holden a me only or a me vel de me, according as such Party would have been entitled to dispone such Lands, to be holden a me only or a me vel de me.

Mode of completing Title by a Trustee in Sequestration.

XXII. It shall be competent to the Trustee on a sequestrated Estate, to expede a Notarial Instrument setting forth the Act and Warrant of Confirmation in his Favour, and specifying the Lands belonging to the Bankrupt to which a Title is to be completed, and the Title by which such Lands are held by the Bankrupt, in or as nearly as may be in the Form of Schedule (N.) hereto annexed, and to record such Notarial Instrument in the appropriate Register of Sasines, and on such Notarial Instrument being so recorded such Trustee shall be held to be in all respects in the same Position as if the Bankrupt had granted a Disposition of the Lands contained in the Notarial Instrument in favour of such Trustee, to be holden a me only, or a me vel de me, according as the Bankrupt would have been entitled to dispone such Lands to be holden a me only or a me vel de me, and as if such Disposition had been followed by an Instrument of Sasine of the said Lands in favour of such Trustee, duly expede and recorded at the Date of recording such Notarial Instrument.

Mode of relinquishing Superiorities.

XXIII. In order to facilitate the extinguishing of Midsuperiorities not defeasible by the Vassal it shall be competent to any Subject Superior, whether himself entered with his Superior or not to relinquish his Right of Superiority in favour of his immediate Vassal, by granting a Deed of Relinquishment in the Form and as nearly as may be in the Terms of Schedule (O, No. 1.) hereto annexed; and on the Deed of Relinquishment being accepted by the Vassal by an Acceptance written on such Deed in the Terms set forth in the Schedule (O, No. 2,) hereto annexed, and being followed by a Writ of Investiture by the Oversuperior as herein-after provided, also written upon the Deed of Relinquishment, and on such Deed with the Acceptance and Writ of Investiture written thereon being thereafter recorded in the appropriate Register of Sasines, the Superiority so relinquished shall be held to be extinguished, and the Vassal

Vassal and his Successors in the Lands shall hold the same as immediate Vassals of the Oversuperior by the Tenure and for the Reddendo by and for which such relinquished Superiority was held, and the Vassal and his foresaids shall be entitled to apply for an Entry to such Oversuperior accordingly as his immediate Superior; and such Relinquishment by a Superior who shall not have completed his Title to the Superiority relinquished shall not infer a passive Representation on his Part, nor any Liability for the Debts of the Person last infeft therein, beyond the Price or Consideration, if any, which he may receive for such Relinquishment.

Investiture by Oversuperior.

XXIV. On the Application of the Vassal in the relinquished Superiority, and on Production by him of the Deed of Relinquishment, and Acceptance thereof, and on his paying or tendering such Duties and Casualties as may be exigible by the Oversuperior, the Oversuperior shall be bound to receive the Vassal as his immediate Vassal by Writ of Investiture in or as nearly as may be in the Form of the Schedule (O, No. 3.) to be written on the Deed of Relinquishment, and the Tenendas and Reddendo contained in the Title Deeds of the relinquished Superiority shall be inserted therein in room of those contained in the former Investiture held under the relinquished Superiority; and where the Lands are held of the Crown or of the Prince and Steward of Scotland such Writ of Investiture shall be obtained from the Presenter of Signatures in the same Manner as is herein-before directed in regard to Confirmations written on the Deeds confirmed, and the Deed of Relinquishment, with the Acceptance and Writ of Investiture thereon, shall be officially transmitted to the Director of Chancery and recorded in the same Manner in which Crown Charters are now in use to be recorded, and shall thereafter be delivered to the Vassal or his Agent on Payment of the same Fees as are now payable for recording a Charter in Chancery: And the Investiture completed upon such Relinquishment of the Superiority shall be as effectual as if the Granter of the Deed of Relinquishment had completed his Title to the Superiority, and had thereafter conveyed the same to the Vassal, and the latter, after having completed his Titles under the Oversuperior, had resigned ad remanentiam in his own Hands: Provided always, that the Investiture so completed shall not in any respect extend the Rights or Interests of such Oversuperior, and that he shall be entitled to no more than the Duties and Casualties, taxed or untaxed, to which he would have been entitled if the Granter of the Deed of Relinquishment had remained his Vassal.

Application of Price of entailed Superiorities.

XXV. Where the Right of Superiority so relinquished shall form Part of an Estate held under a Deed of strict Entail, such Relinquishment

quishment shall not operate as a Contravention of such Entail, anything contained in the Deed of Entail or any Act of Parliament notwithstanding; and the Price agreed to be paid for such Superiority so relinquished, if any, shall be consigned by the Vassal in One of the Chartered Banks in Scotland, subject to the Orders of the Court of Session, and shall be applicable and applied in such and the like Manner and to such and the like Purposes as Purchase Money or Compensation coming to Parties having limited Interests is made applicable, under the Lands Clauses Consolidation (Scotland) Act, 1845, or under the Act of the Eleventh and Twelfth Victoria, Chapter Thirty-six, intituled "An Act for the Amendment of the Law of Entail in Scotland," or under an Act of the Sixteenth and Seventeenth Victoria, Chapter Ninety-four, intituled "An Act to extend the Benefits of the Act of "the Eleventh and Twelfth Years of Her present Majesty for the "Amendment of the Law of Entail in Scotland;" and for that Purpose it shall be competent to the Heir of Entail in possession to present a summary Petition to the Court of Session, praying to have the Price so applied, and such Petition shall set forth the Names, Designations, and Places of Abode of those Heirs of Entail whose Consents would be required to the Execution of an Instrument of Disentail; and on such Petition being served on such Parties, and being intimated in the Minute Book and on the Walls, in common Form, it shall be competent for the Court to direct the Price to be applied to such of the said Purposes as may appear to them to be most expedient: Provided always, that where the Sums agreed to be paid for all the Superiorities which form Part of an entailed Estate shall not exceed the Sum of Two hundred Pounds such Sums shall belong to the Heir in possession, and the Court shall direct such Sums to be paid to him.

11 & 12 Vict. c. 36.

16 & 17 Vict. c. 94.

Price of Superiorities of entailed Lands may be charged on the entailed Estate.

XXVI. Where the Lands of which the Superiority is so relinquished shall be held by the Vassal under a Deed of strict Entail, the Vassal in such Lands shall be entitled and he is hereby authorized to grant a Bond and Disposition in Security over the entailed Estate for the full Amount of the Price paid for the relinquished Superiority, together with all Expenses incurred in the relative Proceedings including the estimated Expense of such Bond and Disposition in Security, and his granting such Bond and Disposition in Security shall not operate as a Contravention of such Entail anything contained in the Deed of Entail or any Act of Parliament notwithstanding: Provided always, that such Bond and Disposition in Security shall be granted with the Consent of those Heirs of Entail whose Consents would be required to the Execution of an Instrument of Disentail of the Lands, or, provided a Judicial Warrant is obtained for granting such Bond and Disposition in Security, by obtaining

obtaining a Decree of the Court of Session pronounced on a summary Petition by the Heir of Entail in possession praying for such Warrant; and the Proceedings under such Petition shall be the same or as nearly as may be the same as the Proceedings under a Petition to charge an entailed Estate with Provisions to younger Children, as authorized by the said Acts of the Eleventh and Twelfth Victoria, Chapter Thirty-six, and Sixteenth and Seventeenth Victoria, Chapter Ninety-four: Provided always, that it shall not be necessary that such Petition should be publicly advertised in the Gazette or any Newspaper, but that Service and Intimation only shall be made in common Form.

Diligence against Apparent Heirs.

XXVII. Actions of Constitution and Adjudication against an Apparent Heir on account of his Ancestor's Debt or Obligation, for the Purpose of attaching the Ancestor's Heritable Estate, may be combined in One Summons, whether the Heir renounce the Succession or not: And Actions of Constitution, and Actions of Constitution and Adjudication, against an Apparent Heir, on account of his Ancestor's Debt or Obligation, for the Purpose of attaching the Ancestor's Heritable Estate, and Actions of Adjudication against such Heir on account of his own Debt or Obligation, for the Purpose of attaching such Estate, may be insisted in at any Time after the Lapse of *Six* Months from the Date of his becoming Apparent Heir, any Law or Practice to the contrary notwithstanding: And in all such Cases a Decree of Adjudication shall be held equivalent to and shall have the legal Operation and Effect of a Conveyance from the Ancestor whose Estate is adjudged in favour of the Adjudger of the Lands adjudged to be holden a me only, or a me vel de me, according as the Ancestor would have been entitled to dispone, to be holden a me only, or a me vel de me; but the Right of the Superior to the Composition payable by an Adjudger, as due under the existing Law is hereby reserved entire, and the Adjudger by recording the Decreet of Adjudication in the Register of Sasines, and such Adjudger or any Person in his Right by expeding and recording in such Register a Notarial Instrument proceeding on such Decreet, with or without any connecting Title, in virtue of this Act, shall become indebted in such Composition to the Superior, and shall be bound to pay the same on the Superior tendering a Charter of Confirmation, whether such Charter shall be accepted or not, and the Superior shall be entitled to recover such Composition as accords of Law.

Clause E. Prohibition against Sub-

XXVIII. Where the Investiture of any Lands has imposed or shall impose a Prohibition against Subinfeudation or against alternative

infeudation not to be affected.

tive holding, nothing contained in this Act shall operate to authorize Subinfeudation, or an alternative holding in respect to such Lands.

CLAUSE F. Obligations appointed to be inserted in Instruments of Sasine shall be inserted in Notarial Instruments.

XXIX. Where an Obligation has been imposed to insert or refer to any Real or other Burden, or Condition, or Qualification in the Instruments of Sasine or of Resignation ad remanentiam applicable to any Lands, such Obligation shall be held to include an Obligation to insert or refer to such Real or other Burdens, or Conditions, or Qualifications in any Notarial Instrument applicable to such Lands to be expede in virtue of this Act.

CLAUSE G. Case of Party where Domicile is unknown.

XXX. Where a General Service only is intended to be carried through by an Heir, it shall not be necessary if the Deceased died upwards of Forty Years prior to the Date of presenting the Petition for General Service as Heir to him, to state or prove the County within which the Deceased had his ordinary or principal Domicile at the Time of his Death, or that such Domicile was furth of Scotland; but in such Cases it shall be sufficient (so far as regards the Domicile of the Deceased) for the Heir to state in his Petition, and if required in the Court of Service to make Oath, that he is unable to prove at what Place the Deceased had his ordinary or principal Domicile at the Time of his Death: Provided always, that in every such Case the Petition for General Service as Heir to the Deceased shall be dealt with, and all relative Procedure shall be regulated in or as nearly as may be in the same Manner as if it had been proved that the Deceased had at the Time of his Death his ordinary or principal Domicile furth of Scotland.

CLAUSE H. Power of Second Registration.

XXXI. In case of any Error or Defect in any Notarial Instrument expede in virtue of the Act Eighth and Ninth Victoria, Chapter Thirty-five, or in any Notarial Instrument to be expede in virtue of that Act or of the present Act, or in the recording of any such Instrument, or of any Instrument of Resignation ad remanentiam or in the recording of any Conveyance, or Procuratory of Resignation ad remanentiam or Warrant of Registration to be recorded in the Register of Sasines in virtue of the present Act, it shall be competent of new to make and record a Notarial Instrument, or Instrument of Resignation, or of new to record the Conveyance, or Procuratory of Resignation with the original or a new Warrant of Registration, as the Case may require; and such new Notarial Instrument, or Instrument of Resignation, so expede and recorded, or such Conveyance or Procuratory of Resignation so of new recorded with the original or new Warrant of Registration, as the Case may require, shall from the Date of recording thereof have the same Effect

as

as if no previous Notarial Instrument or Instrument of Resignation had been expede or recorded, or as if such Conveyance or Procuratory of Resignation and original Warrant of Registration had not been previously recorded.

CLAUSE I. Not necessary to append Seal.

XXXII. It shall not be necessary to affix the Seal appointed by the Treaty of Union to be kept and used in Scotland, in place of the Great Seal thereof formerly in use, to any Charter from Her Majesty, or Her Royal Successors, or the Seal of His Royal Highness the Prince and Steward of Scotland to any Charter from His Royal Highness, or His Royal Successors, unless the Receivers of such Charters shall require the appropriate Seal to be affixed; and in framing such Charters hereafter, the Statement with reference to the Seal "that the same is accordingly appended" now in use to be inserted in the Testing Clause shall be omitted, except in Cases where the Seal is actually appended; and such Charters shall be in all respects as valid and effectual without the Seal as if the same had been affixed thereto.

Recorded Instruments not to be challenged on the Ground of Erasures.

XXXIII. The Act of the Sixth and Seventh of His late Majesty King William the Fourth, Chapter Thirty-three, intituled "An Act "to amend and regulate the Law of Scotland as to Erasures in "Instruments of Sasine and of Resignation ad remanentiam," shall extend and be applicable to Notarial Instruments, and Instruments of Resignation ad remanentiam authorized by this Act, and to Notarial Instruments expede and to be expede under the Act of Eighth and Ninth of Victoria, Chapter Thirty-one.

Deeds and Instruments may be partly written and partly printed or engraved.

XXXIV. All Deeds, Writs, and Instruments whatever, mentioned or not mentioned in this Act, having a Testing Clause, may be partly written and partly printed or engraved: Provided always, that in the Testing Clause the Date, if any, and the Names and Designations of the Witnesses, and the Number of the Pages of the Deed or Instrument, if the Number be specified, and the Name and Designation of the Writer of the written Portions of the Body of the Deed, Writ, or Instrument and of the written Portions of the Testing Clause, shall be expressed at length in Writing; and such Deeds, Writs, and Instruments shall be valid and effectual in the same Manner as if they had been wholly in Writing.

Extent of Act.

XXXV. This Act shall not extend or apply to the Titles of Lands held by Burgage Tenure, or by any similar Mode of Tenure known and effectual in Law.

Interpretation Clause.

XXXVI. The following Words in this Act and in the Schedules annexed to this Act shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say, the Word "Deed" and the Word "Conveyance" shall extend to and include original Charters, Charters of Resignation, of Adjudication, and of Sale, Dispositions, Bonds and Dispositions in Security, Bonds of Annuity and of Annual Rent, and other Heritable Bonds, Feu Contracts, Contracts of Ground Annual, Decrees of Adjudication, Decrees of Sale and of Special Service, Precepts from Chancery, Precepts and Writs of Clare constat, Writs of Acknowledgment, Contracts of Excambion, and other Deeds and Decreets by which Lands are conveyed, or Rights in Lands, either absolute or redeemable or in Security, are constituted or conveyed, and official Extracts of any such Deeds, Conveyances, and Decreets; the Word "Lands" shall extend to and include Lands, Houses, Teinds, Fishings, Patronages, Mills, Mines, Minerals, and in general all Heritable Subjects, Securities, and Rights; the Word "Instrument" shall extend to and include all Notarial Instruments authorized by this Act, and also Instruments of Sasine; the Words "Notarial Instruments" shall include only the Notarial Instruments authorized by this Act.

Short Title of Act.

XXXVII. This Act may be cited for all Purposes as "The Completion of Titles (Scotland) Act, 1858."

SCHE-

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

No. 1.

Warrant of Registration to be written on a Conveyance when presented without Assignation apart.

Register on behalf of *A.B.* within designed.

(Signed) *A.B.*
[*or*] *C.D.*, W.S. Edinburgh,
(*or, as the Case may be,*) Agent of the said
A.B.

No. 2.

Warrant of Registration to be written on a Conveyance when presented with Assignation apart.

Register along with the Assignation apart, docketed with reference hereto, on behalf of *A.B.* designed in the said Assignation (*or, as the Case may be*).

(Signed) *A.B.*,
[*or*] *C.D.*, W.S., Edinburgh,
(*or, as the Case may be,*) Agent of the said
A.B.

SCHEDULE (B.)

Notarial Instrument in favour of Disponee or his Assignee, &c.

At there was by [*or* on behalf of] *A.B.* of *Z.*, Esquire, presented to me, Notary Public subscribing, a Disposition [*or other Deed, or* an Extract of a Deed, *as the Case may be,*] granted by *C.D.* of *Y.*, Esquire, and bearing Date [*insert the Date*], by which Disposition the said *C.D.* sold, alienated, and disponed to the said *A.B.* [*or* gave, granted, and disponed, *or otherwise, as the Case may*

may be, to the said *A.B.*] [*or* to *E.F.*], and his Heirs and Assignees [*insert the Destination, if any,*] heritably and irredeemably [*or* redeemably, *or* in Liferent, *or otherwise, as the Case may be,*] all and whole [*here insert the Description of the Subjects conveyed; and if the Deed be granted under the Burden of a Real Lien or Servitude, or any other Incumbrance, Condition, or Qualification of the Right, or under Redemption, add here*], "but always under the Burden of a "Real Lien," *&c.* [*as the Case may be*]. [*If the Party expeding the Instrument be other than the original Disponee, add*] as also there was presented to me [*here specify the Title or Series of Titles by which the Party acquired Right, and the Nature and Extent of his Right*], whereupon this Instrument is taken by the said *A.B.* in the Hands of *G.H.* [*insert Name and Designation of Notary Public*], in the Terms of "The Completion of Titles (Scotland) Act, 1858." In witness whereof [*here insert a Testing Clause, as in Instrument of Sasine*].

(Signed) *G.H.*,
Notary Public.

I.K. Witness.
L.M. Witness.

SCHEDULE (C.)

Clause of Direction specifying Part of Deed which Grantor desires to be recorded.

And I direct the Part of this Deed [*here specify the Part to be recorded*] to be recorded in the Register of Sasines.

SCHEDULE (D.)

Instrument of Resignation ad remanentiam.

At there was by [*or*, on behalf of,] *A.B.* [*here insert the Name and Designation of the Superior*] presented to me, Notary Public subscribing, a Disposition, dated the Day of , granted by *C.D.*, [*here insert the Name and Designation of the Vassal,*] being the Vassal in the Lands after described, holding the same of the said *A.B.* as his Superior thereof, by which Disposition the said *C.D.* disponed to the said *A.B.*, and his Heirs and Assignees whomsoever, [*or, as the Case may be,*] all and whole [*here insert Description of the Lands*]: In virtue of which Disposition the said Lands were resigned in the Hands of the said *A.B.*

A.B. [*or*, "in the Hands of *E.F.*, as his Commissioner, duly autho- "rized,] conform to Commission" [*describe by Date and other Particulars* "as in the Hands of the said *A.B.* himself"] [*or*, "in the "Hands of *E.F.*, being the known Agent of the said *A.B.*, and as "such duly authorized, in virtue of the Act of the Eighth and "Ninth Years of the Reign of Her Majesty Queen Victoria, Chapter "Thirty-five, intituled, 'An Act to simplify the Form and diminish "'the Expense of obtaining Infeftment in heritable Property in "'Scotland,' as in the Hands of the said *A.B.* himself,"] *ad perpetuam remanentiam*, and to the effect that the Right of Property of the foresaid Lands and others might be united and consolidated with the Right of Superiority of the same in the Person of the said *A.B.* in all Time coming: Whereupon this Instrument is taken by (*or* "on "behalf of the said *A.B.* and *C.D.*"], in the Hands of me, &c., as in Schedule (B.).

SCHEDULE (E.)

Crown Writ of Confirmation.

Victoria, *&c.* We confirm this Deed [*or* Decree, *or* Instrument, [*or otherwise, as the Case may be*], in favour of *C.D.*, but only in so far as consistent with the [*here specify a Charter or other Writ, containing the Tenendas and Reddendo, &c.*], and with Our own Rights. Given at Edinburgh, the Day of in the Year .

(*Signed by the Presenter of Signatures.*)

Note.—When the Writ of Confirmation is to be granted by or on behalf of the Prince or Steward of Scotland, his Highness's other Titles need not be added.

SCHEDULE (F.)

Crown Writ of Resignation.

Victoria, *&c.* We dispone and confirm the Lands contained in this Deed in favour of *C.D.*, but only in so far as consistent with the [*here specify a Charter or other Writ containing the Tenendas and Reddendo, &c.*] and with Our own Rights. Given at Edinburgh, the Day of in the year

(*Signed by the Presenter of Signatures.*)

Note.—When the Writ of Resignation is granted by or on behalf of the Prince or Steward of Scotland his Highness's other Titles need not be added.

SCHEDULE (G.)

Crown Writ of Clare constat.

Victoria, &c. Whereas by Decreet of General Service, *or* "of "Special Service," *as the Case may be*, of *A.B.* [*here insert the Name and Designation of the Heir*], dated [*here insert the Date of the Decreet*], and recorded in Chancery [*here insert the Date of Registration*], and other authentic Instruments and Documents, it clearly appears that *C.D.* [*here insert the Name and Designation of the Ancestor*] died last vest and seised as of Fee in [*here describe the Lands, &c., and where there are Conditions of entail, insert them, or make a competent Reference to them, and in Entails with Clause of Registration as instead of the irritant and resolutive Clauses or of the prohibitory, irritant, and resolutive Clauses, refer to the Clause of Registration, and in all Entail Cases describe the Deed of Entail or other Deed of Provision by Date and Date of Registration, and insert or competently refer to the Destination, and where there are any other Burdens or Qualifications, insert or make a competent Reference to them, as directed by Schedule B. of the Act* 10 *&* 11 *Vict. c.* 51., *commonly known as the Crown Charter's Act.*] And that in virtue of [*here describe the Charter or Precept and Sasine, or recorded Charter or Precept, or other Writ or Writs forming the last Investiture, by Dates and Dates of Registration.*] And that the said *A.B.* is eldest Son and nearest and lawful Heir of the said *C.D.* [*or whatever Relationship and Character of Heir the Party holds, here state it.*] Therefore we hereby declare the said *A.B.* to be the Heir entitled to succeed to the said *C.D.* in the said Lands to be holden of Us and Our Royal Successors, in Manner and for Payment of the Duties specified in the [*here specify a Charter or other Writ containing the Tenendas and Reddendo.*]

Given at Edinburgh the ..... Day of ..... in the Year .

(*Signed by the Director of Chancery or his Depute or Substitute.*)

Note.—When the Precept is to be granted by or on behalf of the Prince and Steward of Scotland, his Highness's other Titles need not be added.

SCHEDULE (H.)

Notarial Instrument in favour of a general Disponee, or his Assignee, &c.

At ..... there was by [*or* on behalf of] *A.B.* of *Z.*, presented to me, Notary Public subscribing, a Disposition [*or other Deed or Instrument*], recorded in the [*specify Register of Sasine and* ..... *Date*

Date of recording], by which recorded Disposition [*or other Deed or Instrument*] *C.D.* of *Y.* was vest in all and whole [*here describe the Lands*]; as also there was presented to me a general Disposition [*or other Deed, or* an Extract of a Deed], granted by the said *C.D.*, and bearing Date [*here insert Date*], by which general Disposition the said *C.D.* gave, granted, and disponed [*or otherwise, as the Case may be,*] to the said *A.B.*, and his Heirs and Assignees [*or otherwise, as the Case may be*], heritably and irredeemably [*or* in Liferent, *or otherwise, as the Case may be*], all and sundry the whole Heritable Estate of which he was [*or* might die] possessed. [*If the Deed be granted under any Real Burden or Condition or Qualification, add here,* " but always under the Burden of the Real " Lien, *&c.;*" *and if the Deed be granted in trust, or for specific Purposes, add,* " but always in trust *or* for the Uses and Purposes " mentioned in said Deed." *If the Party expeding the Instrument be other than the original Disponee, add,* " as also there was presented " to me" (*here specify the Title or Series of Titles by which the Party acquired Right, and the Nature and Extent of his Right.*)] Whereupon, *&c., as in Schedule* (*B.*)

SCHEDULE (I).

No. 1.

Assignation of an unrecorded Conveyance.

I *A.B.*, in consideration of, *&c.* [*or otherwise, as the Case may be*], hereby assign to *C.D.*, and his Heirs and Assignees [*or otherwise, as the Case may be*], the Disposition [*or other Deed, specifying the Nature of the Deed*], granted by *E.F.*, dated, *&c.*, by which he conveyed the Lands of *X.*, as therein described, to me [*or otherwise, as the Case may be, specifying the connecting Title, and the Nature and Extent of the Right conveyed. State also the Term of the Assignee's Entry, and other Particulars, if any ought to be specified*]. In witness whereof [*here insert a Testing Clause in the usual Form*].

No. 2.

Assignation of an unrecorded Conveyance written upon the Conveyance.

I *A.B.*, in consideration of, *&c.* [*or otherwise, as the Case may be*], hereby assign to *C.D.*, and his Heirs and Assignees [*or otherwise, as the Case may be*], the foregoing Disposition of the Lands of *X.*, as therein described, granted in my Favour [*or otherwise, as the Case*

may be, specifying the connecting Title and the Nature and Extent of the Right conveyed. State also the Term of the Assignee's Entry, and other Particulars, if any ought to be specified]. In witness whereof [*here insert a Testing Clause in the usual Form*].

SCHEDULE (K.)

Notarial Instrument in favour of an Assignee to an unrecorded Conveyance.

At there was by [*or* on behalf of] *A.B.*, of *Z.*, Esquire, presented to me, Notary Public subscribing, a Disposition [*or other Deed, as the Case may be, specifying the Nature of the Deed*], granted by *C.D.*, of *Y.*, Esquire, and bearing Date [*insert Date*], by which Disposition the said *C.D.* conveyed to *E.F.* the Lands of *X.*, as therein described, and which Disposition is to be recorded in the Register of Sasines along with this Instrument; as also there was presented to me [*here specify the Title or Series of Titles by which A.B acquired Right, and the Nature and Extent of the Assignee's Right*], whereupon, *&c., as in Schedule* (*B.*)

(Signed) *G. H.*,
Notary Public.

I. K., Witness.
L. M., Witness.

SCHEDULE (L.)

No. 1.

Clause of Reference to particular Description contained in a prior Deed.

[*After giving the leading Name or Names of the Lands conveyed, and the Name of the County and of the Parish or supposed Parish, add*] "as particularly described in the Disposition [*or other Deed, as the Case may be,*] granted by *C.D.*, and bearing Date [*here insert Date*], and recorded in the [*specify the Register of Sasines*] on the Day of in the Year ," [*or* "as particularly described in the Instrument of Sasine or Notarial Instrument recorded, *&c.*," *or as the Case may be.*] [*If Part only of Lands is conveyed, describe such Part, and add* "being Part of the Lands particularly described, *&c.*;" *or thus*, "as particularly described, *&c.*, with the Exception of," *and describe the Part excepted*].

No. 2.

No. 2.

Clause of Reference to Conveyance, containing General Designation of Lands.

[*After giving the leading Name or Names of the Lands conveyed, and the Name of the County and Parish or supposed Parish, add*] "as particularly described in the Disposition [*or other Deed, as the Case may be,*] granted by *C.D.*, and bearing Date [*here insert Date*], and recorded in the [*specify the Register of Sasines*] on the Day of in the Year , and in which the Lands herein contained are declared to be designed and known by the said Name of" [*here insert Name,*] [*or* "as particularly described in the Instrument of Sasine or Notarial Instrument recorded, *&c.*, and in which the Lands herein contained are declared, *&c.*"]. [*If Part only of Lands is conveyed, then follow Form for similar Case given in Schedule* (*I.*) *No.* 1.]

No. 3.

Clause of Reference to Destinations in Entails.

[*After inserting such Part of the Destination as may be thought necessary, add*] "and to the other Heirs specified and contained in a Disposition and Deed of Entail of the said Lands executed by the deceased *E.F.*, bearing Date the Day of in the Year , and recorded in the Register of Tailzies on the Day of in the Year ," [*or* "in the said Disposition and Deed of Entail dated and recorded as aforesaid," *or* "in a Deed [*or* Instrument] recorded [*specify Register of Sasines*] upon the Day of in the Year "].

SCHEDULE (M.)

Notarial Instrument in favour of Judicial Factor.

At there was, by [*or* on behalf of] *A.B.*, as Judicial Factor, [*or as the Case may be*], conform to Extract Decree of the Lords of Council and Session, bearing Date [*insert Date*], [*or otherwise, as the Case may be*] there was presented to me, Notary Public subscribing, a Disposition [*or other Deed or Instrument*] [*insert Date*] recorded in the [*specify Register of Sasine and Date of recording*], by which [*&c., specify the Title or Series of Titles by which the Lands are held*]; as also there was presented to me an Extract of the said Decreet, and also of an Act and Warrant [*here describe the Act and Warrant authorizing the Titles to be made up.*] Whereupon this Instrument [*&c., as in Schedule* (*B.*)].

SCHEDULE (N.)

Notarial Instrument in favour of the Trustee in a Sequestration.

At there was, by [*or* on behalf of] *A.B.*, as Trustee on the sequestrated Estate of *C.D.* conform to Extract Act and Warrant of Confirmation in his Favour as Trustee foresaid, dated [*insert Date*]; there was presented to me, Notary Public subscribing, a Disposition [*or other Deed or Instrument*] [*insert Date*] recorded in the [*specify Register and Date of recording*], by which [*&c., specify the Title or Series of Titles by which the Bankrupt held the Lands*]; as also there was presented to me an Extract of the said Act and Warrant. Whereupon this Instrument, [*&c., as in Schedule (B.)*].

SCHEDULE (O.)

No. 1.

Deed of Relinquishment of Superiority.

I *A.B.*, immediate lawful Superior of all and whole [*here describe the Lands*], do hereby absolutely and gratuitously [*or* in consideration of the Sum of Pounds paid to me, *or, if the Superiority is entailed,* "consigned in the (*specify Bank*) subject to the Orders of the Court of Session,"] relinquish and renounce my Right of Superiority of the said Lands in favour of *C.D.*, my immediate Vassal, and his Successors therein, and declare that the said Lands shall no longer be held of me as Superior, but shall be held of my immediate lawful Superior in all Time to come. In witness whereof [*here insert usual Testing Clause*].

No. 2.

Acceptance by Vassal written on Deed of Relinquishment.

I *C.D.*, the immediate Vassal in the Lands described in this Deed, accept the Relinquishment of the Superiority of the said Lands. In witness whereof [*here insert usual Testing Clause*].

No. 3.

Writ of Investiture written on Deed of Relinquishment.

I *A.B.*, lawful Superior of the Lands contained in this Deed accept and receive *C.D.*, and his Heirs and Successors whomsoever, [*or otherwise, according to the Destination contained in the Title to the*

the Lands,] in place of *E.F.*, and his Heirs and Successors, in virtue of the above Deed of Relinquishment, and Acceptance thereof. To be holden the said Lands by the said *C.D.* and his foresaids [*specify the Tenendas and Reddendo contained in the Titles of the relinquished Superiority*].

Titles to Land (Scotland).

A

BILL

[AS AMENDED IN COMMITTEE]

To simplify the Forms and diminish the Expense of completing Titles to Land in Scotland.

(*Prepared and brought in by The Lord Advocate and Mr. Secretary Walpole.*)

Ordered, by The House of Commons, *to be Printed,* 1 *July* 1858.

[Bill 169.]

Under 4 *oz.*

A

B I L L

INTITULED

An Act to facilitate the Sale of Land.

[Note.—*The Clause and Words printed in Red Ink are proposed to be inserted in the Committee.*]

WHEREAS it is expedient to enable Persons purchasing Land to obtain an absolute and indefeasible Title thereto: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. The Persons herein-after mentioned respectively may apply to the Court of Chancery by Petition in a summary Way for a Sale under this Act of Land in England; (that is to say,) Applications for Sale may be made by the following Persons; viz.

A Person entitled in possession in Fee Simple or in Tail to any Land: Persons entitled in Fee Simple or in Tail, or otherwise having Power to sell:

A Person entitled in possession in Fee Simple or in Tail to the Equity of Redemption in any Land, or to any Land subject to any Incumbrance thereon or to any Trust for the Payment of any Incumbrances:

A Person having Power or Authority absolutely to sell any Land; but where such Power or Authority is exerciseable only by or with the Direction or Consent of any other Person, the Application shall not

not be made until such Direction or Consent has been given, unless the Person whose Direction or Consent is requisite concur in the Application:

Persons entitled to certain Estates under Settlements, with certain Consents.

A Person entitled under any Limitation in any Settlement to the Possession of any Land for a Term of Years determinable on his Death, or for Life or any greater Estate, but the Application by any Person so entitled under any Settlement must be made with the Concurrence or Consent of the following Parties; (that is to say,)

Where there is a Tenant in Tail under the Settlement in existence, and of full Age, then the Parties to concur or consent shall be such Tenant in Tail, or the First of such Tenants in Tail if there be more than One, and all Persons in existence having any beneficial Estate or Interest under or by virtue of the Settlement prior to the Estate of such Tenant in Tail, and all Trustees having any Estate or Interest on behalf of any unborn Child prior to the Estate of such Tenant in Tail;

And in every other Case the Parties to concur or consent shall be all the Persons in existence having any beneficial Estate or Interest under or by virtue of the Settlement, and also all Trustees having any Estate or Interest on behalf of any unborn Child.

Application may be granted without Consent, saving Rights of non-consenting Parties.

II. Provided nevertheless, That the Court may, if it think fit, give effect to the Application, subject to and so as not to affect the Rights, Estate, or Interest of any Person whose Consent or Concurrence in respect of such Rights, Estate, or Interest cannot be obtained, or whose Rights, Estate, or Interest ought in the Opinion of the Court to be excepted.

Applications may be made in respect of undivided Shares.

III. Applications for a Sale under this Act may be made in respect of undivided Shares in any Land in like Manner as in respect of the Entirety.

Application where a previous Contract for Sale has been made.

IV. Any Person or Persons having contracted for the Sale of any Land in England, who, but for such Contract, would be authorized to apply for a Sale under this Act, may, with the Concurrence of the Purchaser, or in pursuance of any Stipulation in the Contract for that Purpose, apply to the Court for a Sale and Conveyance to the Purchaser under this Act in accordance with the Terms of the Contract.

Under a Contract for Sale the Purchaser may not require the Sale to be made under this Act; and Purchases by Trustees

V. A Contract for the Sale of Land shall not, in the Absence of express Stipulation to that Effect, entitle the Purchaser to require the Vendor to complete the Sale and Conveyance under this Act; and Trustees purchasing Land in exercise or performance of any Power

Power or Trust, without requiring the Sale and Conveyance to be effected under this Act, shall not be deemed guilty of any Breach of Trust. without reference to this Act not to be Breaches of Trust.

VI. Notice of any Application to the Court of Chancery under this Act shall be inserted in such Newspapers as the Court thinks fit to direct, and the Court may direct any other Notices to be given of such Application, or in relation to any Proceeding thereon, and in such Manner as the Court thinks fit; and any Person may apply to the Court by Motion for Leave to be heard in relation to such Application, and the Court may permit such Person to appear and be heard, on such Terms, as to Costs or otherwise, and in such Manner, as it may think fit. Notice of Application to be given in Newspapers.

VII. Upon the Hearing of any such Application the Court shall cause the Title to the Land to be investigated, and after such Investigation may, if a good Title is shown, make an Order for the Sale and Conveyance, according to the Provisions of this Act, of the said Land, or of such Part thereof whereto a good Title has been shown. The Court to cause the Title to be investigated, and make Order for Sale.

VIII. Before any Order for Sale and Conveyance is made as aforesaid, the Applicant for the Sale and his Solicitor, and any other Party as the Court may direct, shall make Affidavit that to the best of their Knowledge and Belief all Settlements, Deeds, Wills, and Instruments of Title, and all Charges and Incumbrances affecting the Title to the Land which is the Subject of the Application, and all Facts material to such Title, have been disclosed upon such Investigation of Title as aforesaid; and the Purchaser and his Solicitor shall in like Manner make Affidavit that there is not to their or either of their Knowledge, Information, or Belief any Deed, Charge, or Incumbrance affecting the Title to the said Land, nor any Fact material to the said Title, not fully and fairly disclosed as aforesaid: Provided always, that the Court may dispense with any such Affidavit where it may appear to the Court safe and proper so to do. Applicant and his Solicitor to make Affidavit of Disclosure of all Instruments and Facts affecting the Title.

IX. Where a Sale is made under this Act, the Court shall, where and so far as it may deem necessary for the Purposes of such Sale, cause to be ascertained the Tenancies of the occupying Tenants, and of any Lessees whose Tenancies or Leases affect the Land to be sold, and may cause such Notices to be given, and make or cause to be made such Inquiries, as it thinks necessary, for ascertaining and securing the Rights of such Tenants or Lessees as aforesaid; and the Sale shall be made subject to the Tenancies or Leases, ascertained as aforesaid, and subject to which it appears to the Court the Sale should be made; Tenancies, &c. to be ascertained.

made; and, where the Court thinks fit, the Sale shall be made subject to any Leases or Tenancies, according to any general Description, or subject to any Condition concerning any Leases or Tenancies the Nature of which has not been ascertained or is disputed.

Sale may be made subject to an annual Charge, &c.

X. Any Sale under this Act may, where the Court thinks fit, be made subject to any annual Charge affecting the Land sold, or to any such apportioned Part of such annual Charge as the Court may think fit should remain charged thereon, but so nevertheless that no such Apportionment shall prejudice the Right of the Person entitled to the Charge; and where such Land is subject to any Incumbrance, under the Terms of which the Incumbrancer cannot be required to accept Payment of the Principal Money before the Expiration of a Term of Years unexpired, such Sale may, if the Court thinks fit, be made subject to such Incumbrance.

Sale to be under Direction of the Court.

XI. Where the Court makes an Order for Sale, the Land to which such Order relates shall be sold, by or under the Control and Direction of the Court, by public Sale or private Contract, together, or in Lots or Parcels, at such Time and Place and generally in such Manner as the Court thinks fit; and the Conveyance of the Land shall be made under the Seal of the Court to be provided in this Behalf, and shall be signed by the Officer to be appointed or authorized for this Purpose, and the Execution by any other Party of such Conveyance shall be unnecessary; and such Conveyance shall express or refer to the Leases and Tenancies (if any), and any Rights, Estate, Interest, or Charge, subject to which the Sale is made, and may be in the Form contained in the Schedule to this Act, or to the like Effect, with such Limitation of Uses and other Additions or Variations as, with the Approval of the Court, the Purchaser may direct: Provided always, that when the Application has been made with reference to a previous Contract for Sale the Court may give effect to the Contract, and a Conveyance of the Land shall be made to the Purchaser in like Manner and with the like Effect as if the Land had been sold by or under the Control and Direction of the Court.

Execution of Conveyance.

After a Sale the Biddings not to be opened.

XII. After any public Sale under the Direction of the Court as aforesaid the Biddings shall not be opened, unless there be an express Condition of Sale that the Biddings may be opened.

Payment of Purchase Money.

XIII. The Purchase Money in every Case shall be paid into the Bank of England, to the Account of the Accountant General of the Court, to the Credit in each Case of the Estate sold, or as the Court by General or Special Order shall direct; and on the Notification

tion by the Bank to the Court of the Receipt of the Money, a Certificate of such Payment shall be endorsed on or written at the Foot of the Conveyance by the Officer appointed or authorized as aforesaid to sign the Conveyance; and on such Payment into the Bank the Purchaser shall be discharged from all Liability in respect of the Application of the Money so paid, and such Certificate shall be Evidence of such Payment.

Incumbrancer may bid at public Sales.

XIV. It shall be lawful for any Incumbrancer on or Person otherwise interested in any Land to bid at any public Sale, and to become the Purchaser at any public Sale or by private Contract, in like Manner as any Person not interested therein might bid and become the Purchaser: Provided always, that no Trustee for Sale or Trustee with a Power of Sale shall be at liberty to be or become a Purchaser without the previous Sanction of the Court.

Where an Incumbrancer purchases, Court may authorize Payment into the Bank of Balance of Purchase Money, after retaining Amount of Incumbrance.

XV. Where an Incumbrancer on any Land is the Purchaser of such Land or Part thereof, the Court may, where it thinks fit, authorize such Purchaser to retain out of the Purchase Money the Amount which might have been ordered to be paid thereout in respect of such Incumbrance in case the whole Purchase Money had been paid into the Bank under this Act, or such Sum on account of such Amount as the Court may think fit, and to pay the Residue only of the Purchase Money into the Bank; and where at the Time of authorizing such Retainer as aforesaid the Court has not finally ascertained and determined the Priority and Rights of such Purchaser in respect of his Incumbrance, and the Amount which he would be entitled to be paid in respect thereof out of the Purchase Money, such Retainer shall be without Prejudice to the Power of the Court to require such Purchaser to pay into the Bank the whole or any Part of the Amount so retained which ought to be so paid by him; and the Court shall withhold its Certificate of Payment herein-before mentioned until it is satisfied that the full Purchase Money, less the Amount which such Purchaser would be entitled to be paid in respect of his Incumbrance, has been paid into the Bank.

Effect of Assurance.

XVI. Every such Conveyance, executed as aforesaid upon the Sale of Land, shall be effectual to pass the Fee Simple and Inheritance of the Land thereby expressed to be conveyed, subject to the Leases and Tenancies (if any), and to any Rights, Estate, or Interest expressed or referred to therein, as aforesaid, but, save as aforesaid and as hereinafter provided, discharged from all former and other Estates, Rights, Titles, Charges, and Incumbrances whatsoever of Her Majesty, Her Heirs and Successors, and of all other Persons whomsoever: Provided

that where any Land is sold and conveyed subject to any annual Charge or apportioned Part thereof, or to any Incumbrance, such annual Charge, or such apportioned Part thereof only, (as the Case may be,) or such Incumbrance, shall remain and be charged on and payable out of such Land, as in the Conveyance expressed.

Saving Right of Common, &c.

XVII. Provided always, That any such Conveyance as aforesaid shall not prejudice or affect any Right of Common, or any Right of Way or other Easement, or any Right to Heriots, or any Rentcharge in lieu of Tithes, Crown Rent or Quitrent, charged upon or issuing out of any Land, or any Charge made by virtue of any Act authorizing Advances of public or private Money for Drainage or Improvement of Lands, save where such Crown Rent or Quitrent, or Charge, is redeemed under the Power herein-after contained, and it is expressed in such Conveyance that the Land conveyed thereby is so conveyed discharged thereof, and in such Case such Land shall be so discharged accordingly.

The Court to make Orders as to the Custody of Title Deeds.

XVIII. The Court, in its Discretion, may direct that all or any of the Title Deeds and other Documents and Evidences of Title, and all or any of the Leases or Counterparts of Leases and Agreements, and other Evidences of the Tenancies subject to which the Sale is made, shall either be deposited and retained in Court, or delivered up to the Purchaser, or retained by the Vendor or by any other Person interested in the Possession thereof, and may require any Person to or by whom any such Documents or Evidences of Title or Tenancy as aforesaid are delivered or retained to enter into such Covenants for Production thereof as it may think proper, and may also direct any such Memorandums or Notices as it may think fit to be endorsed on all or any of such Documents or Evidences of Title or Tenancy as aforesaid, for the Purpose of giving Notice of the Sale, or for any other Purpose.

Application of Purchase Money.

XIX. The Court shall, out of the Purchase Money to be received on the Sale of any Land under this Act, allow and pay such Costs of and consequential on the Application for the Order for the Sale, and such Expenses of and incidental to the Sale as it shall seem just and reasonable; and the Surplus of such Purchase Money, after Payment of such Costs and Expenses, shall, under the Order of the Court, be applied in or towards Payment or Satisfaction of the Incumbrances or Charges, if any, which affected such Land, according to their Priorities, and shall, subject as aforesaid, be paid to the Person or Persons (if any) appearing at the Time of such Order to be absolutely entitled thereto, or if there be no Person or Persons so entitled, be applied, as the Court shall from Time to Time direct,

to

to some One or more of the following Purposes; namely, in the Purchase of Land being either Freehold or Copyhold of Inheritance, which shall be limited and settled to the same Uses, upon the same Trusts, for the same Purposes, and in the same Manner as the Land sold stood settled or limited to, or such of them as are then subsisting or capable of taking effect, or the Redemption of Land Tax, or the Payment or Satisfaction of Incumbrances affecting any other Land subject to such Uses and Trusts as aforesaid; and until such Money can be so laid out it may, under such Order as aforesaid, be transferred or paid over to Trustees, to be appointed or approved by the Court, for the Purpose of being so laid out as aforesaid, with such Power for the Investment thereof in Government Stocks, Funds, or Securities in the meantime, and such Directions for the Payment of the Income of such Investment in the Manner in which the Rents of the Land to be purchased would be applicable, as the Court thinks fit.

Money wrongly paid to be treated as Money paid in trust to invest.

XX. If by Mistake or otherwise any Purchase Money shall, under the Provisions aforesaid, have been paid to any Person or Persons as being the Person or Persons absolutely entitled thereto, when he or they were not so entitled, such Money shall be deemed to have been paid to him or them upon an express Trust to invest the same in the Purchase of Lands, to be settled to the Uses and upon the Trusts to and upon which the Lands sold stood limited, settled, and assured at the Time of the Sale.

Money paid into Bank may be invested in the Funds.

XXI. Any Money paid into the Bank under the Provisions aforesaid may, until applied, or paid to Trustees as aforesaid, by Order of the Court, be invested in the Name of the Accountant General in the Purchase of any Government Stocks, Funds, or Annuities transferable at the Bank of England; and, until the same are sold by Order of the Court for the Purposes of this Act, the Dividends thereof shall from Time to Time be applied, under the Order of the Court, in like Manner as the Rents of the Land from the Sale whereof the Money so invested has arisen would have been applicable.

Appointment of new Trustees.

XXII. Whenever the Court appoints or directs the Appointment of Trustees for any of the Purposes of this Act, it shall be lawful for the Court to make or to direct to be made such Provision as it thinks fit for the Appointment of new Trustees, on any Event to be determined by the Court.

Act to extend to Copyhold Land and Leasehold Estates.

XXIII. This Act shall extend to authorize Sales and Conveyances of Copyhold or Customary Land, and Sales and Assignments of any Estate in Land of any Tenure holden under any Lease or Agreement for a Lease of which not less than Fifty Years are unexpired; and the Provisions of this Act as to the Persons to make, concur in, or

consent to Applications for Sales shall be construed with reference to Land and Estates in Land to which this Provision extends as applicable to Persons having corresponding or like Estates, Rights, and Interests in or over the same, or as near thereto as the different Tenure and Nature of the Estate permit; and, save as herein otherwise provided, all the Provisions of this Act shall extend to and be applicable in the Case of Sales and Conveyances and Assignments of Copyhold or Customary Land, and of Leasehold Estates, so far as the Tenure of the Land and Nature of the Estate permit, except that as regards Leasehold Estates, the same shall only be sold under the Provisions of this Act, where it shall not be requisite to apply any Part of the Purchase Money in the Purchase of other Estates, to be settled in manner before provided with respect to Monies arising from the Sale of Estates of Inheritance.

Effect of Conveyance of Copyhold.

XXIV. Any Conveyance under this Act of Copyhold or Customary Land shall not alter the Tenure of such Land, or affect the Right of the Lord to the ancient Rents, Customs, and Services; and every such Conveyance shall be entered on the Court Rolls of the Manor of which such Land is holden, and shall entitle the Person to whom such Conveyance is made to be admitted to the Land; upon Payment of all such Fines, Fees, Stamp Duties, and Sums of Money as would have been payable upon or previously to such Admittance, in case such Land had in all respects been assured to him according to the Custom of the Manor; and where according to such Custom such Land might be conveyed by Deed, no further Deed shall be necessary than the Conveyance made under this Act; and this Enactment shall not be construed to make Admittance necessary in case Admittance is not required by the Custom of the Manor.

Effect of Assignment of Leaseholds.

XXV. Where any Estate or Interest in Land under any Lease or Agreement for a Lease is sold under this Act, an Assignment of the Leasehold Estate or Interest shall be made as herein provided in relation to the Conveyance of Land upon a Sale thereof; and such Assignment shall be effectual to pass the Estate created or agreed to be created by such Lease or Agreement, and then remaining unexpired, subject to the Rent and Covenants annexed to the Reversion, and otherwise subject as in such Assignment mentioned, but, save as aforesaid and as herein-after provided, discharged from all Rights, Titles, Charges, and Incumbrances affecting the Leasehold Estate or Interest: Provided always, that such Assignment shall not prejudice any Rights, Easements, Rentcharge in lieu of Tithes, Crown Rent, Quitrent, or Charge made by virtue of any such Act or Acts as herein-before mentioned, by this Act expressed to be saved in the Case of Conveyances of Land made under this Act.

XXVI. Where

Provision as to married Women.

XXVI. Where any married Woman is desirous of making any Application, giving any Consent, or doing any Act, or becoming Party to any Proceeding under this Act, her Husband's Concurrence shall be required, and she shall be examined apart from her Husband touching her Knowledge of the Nature and Effect of the Application or other Act, and it shall be ascertained that she is acting freely and voluntarily; and such Examination may be made and taken by the Court or such Persons as are authorized to take Acknowledgments of Deeds by married Women under the Act of the Session holden in the Third and Fourth Years of King William the Fourth, Chapter Seventy-four, "for the Abolition of Fines and Recoveries, and for the "Substitution of more simple Modes of Assurance;" and the Form and Manner in which such Examination shall be certified to the Court shall be determined by the General Rules and Orders to be made under this Act: Provided always, that a married Woman entitled to her separate Use, and not restrained from Anticipation, shall for the Purposes of this Act be deemed a Feme Sole.

3 & 4 W. 4. c. 74.

Provision for other Persons under Disability.

XXVII. Where any Person who (if not under Disability) might have made any Application, given any Consent, done any Act, or been Party to any Proceeding under this Act, is a Minor, Idiot, or Lunatic, the Guardian or Committee of the Estate respectively of such Person may make such Applications, give such Consents, do such Acts, and be Party to such Proceedings, as such Person respectively, if free from Disability, might have made, given, done, or been Party to, and shall otherwise represent such Person for the Purposes of this Act: Provided always, that where there is no Guardian or Committee of the Estate of any such Person as aforesaid, being infant, idiot, or lunatic, or where any Person the Committee of whose Estates if he were idiot or lunatic would be authorized to act for and represent such Person under this Act is of unsound Mind or incapable of managing his Affairs, but has not been found idiot or lunatic under an Inquisition, it shall be lawful for the Court to appoint a Guardian of such Person for the Purpose of any Proceedings under this Act, and from Time to Time to change such Guardian; and where the Court sees fit it may appoint a Person to act as the next Friend of a married Woman for the Purpose of any Proceeding under this Act, and from Time to Time remove or change such next Friend.

Proceedings not to abate by Death, &c.

XXVIII. Proceedings under this Act shall not abate or be suspended by any Death or Transmission or Change of Interest, but in any such Case of Death or Transmission or Change of Interest it shall be lawful for the Court, where it sees fit, to require Notices to be given to Persons becoming interested, or to make any Order for discontinuing, suspending,

suspending, or carrying on the Proceedings, or otherwise in relation thereto, which to the Court may appear just.

Costs.

XXIX. In every Proceeding under this Act the Court shall have full Power and Discretion as to the giving or withholding Costs and Expenses, and as to the Persons by whom and the Funds out of which the same shall in the first instance or ultimately be paid, repaid, and borne, and shall and may direct the same to be paid to or apportioned among such Persons as it sees fit.

Acts of the Court professed to be in pursuance of this Act not to be invalidated.

XXX. After the Completion of any Sale or other Act, under the Authority of the Court, and purporting to be in pursuance of this Act, the same shall not be invalidated on the Ground that the Court was not hereby empowered to authorize the same.

Power to Lord Chancellor, &c. to make Rules and Orders.

XXXI. The Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, the Lords Justices of the Court of Appeal in Chancery, and the Vice-Chancellors, or of any Three of them, shall from Time to Time make such General Rules and Orders as he may see fit for carrying the Purposes of this Act into effect, and for regulating the Times and Form and Mode of Procedure, and generally the Practice of the Court in respect of the Matters to which this Act relates, and for regulating the Fees and Allowances to all Officers and Solicitors of the Court in respect to such Matters; and such Rules and Orders may from Time to Time be rescinded or altered by the like Authorities respectively; and all such Rules and Orders shall take effect as General Orders of the Court.

Register of Estates, Titles, &c. to be kept.

XXXII. A Register shall be kept in such Place as the Lord Chancellor, with such Assistance as aforesaid, shall appoint, wherein any Person having or claiming to have any Estate, Right, Title, or Interest in or to any Land or Copyhold Land, or having or claiming to have any Incumbrance thereon, shall be at liberty to enter his Name and Address at which Notices may be served, with the Name of the County, Parish, and Township in which such Land or Copyhold Land is situated, in such Form and with such Description as the Lord Chancellor, with such Advice and Assistance, shall order; and when any Person shall have made such Entry the Court shall not make an Order for Sale under this Act unless it is satisfied, after such Evidence as it shall think sufficient, that Notice of the Application for such Order has been given to such Person as shall have made such Entry in a reasonable Time before such Order is actually made.

Lord Chancellor may appoint additional Clerks.

XXXIII. It shall be lawful for the Lord Chancellor from Time to Time to appoint any new or additional Clerk or Clerks which to him may

may seem necessary for enabling the Court duly to execute the Duties imposed on it, and every such additional Clerk shall receive out of the Suitors Fee Fund such Salary as the Lord Chancellor, with the Consent of the Lords of the Treasury, may think proper.

In fixing the Amount of Fees and Allowances to the Officers of the Court, the Lord Chancellor shall have regard to the additional Salaries, if any, which may be payable under the Provisions aforesaid, to the Intent that such Fees may be fully equal to the Payment of such additional Salaries.

Amount of Fees to be fixed so as to meet additional Salaries

XXXIV. All General Rules and Orders made as aforesaid, including all Orders for the Appointment of any additional Clerk or Clerks, shall, immediately after the making and issuing thereof, be laid before both Houses of Parliament, if Parliament be then sitting, or if Parliament be not then sitting, within Twenty-one Days after the next Meeting thereof; and it shall be lawful for either House of Parliament, by any Resolution passed within Thirty-six Days after such Rules or Orders have been laid before it, to resolve that the same or any Part thereof ought not to continue in force, and thereupon the same shall cease to be binding.

Rules and Orders to be laid before Parliament.

XXXV. The Lord Chancellor shall cause to be made a Seal, for the Purpose of sealing all Conveyances made under the Authority of the Court of Chancery under this Act, and may from Time to Time cause any such Seal to be cancelled, and substitute any new Seal in the Place thereof, and shall also from Time to Time appoint or authorize an Officer of the Court to affix such Seal to all such Conveyances, and shall from Time to Time appoint or authorize One other of the Officers of the Court to sign all such Conveyances, and the Certificates of the Payment of the Purchase Money; and all Courts, Justices, and others shall take notice of Impressions of such Seal and of the Signature of such Officer, and no Proof shall be required of the Authority to affix such Seal or Signature to any Conveyance.

Lord Chancellor to provide a Seal for sealing Conveyances, and appoint an Officer of the Court to sign same.

XXXVI. Application for a Sale may be made under this Act, notwithstanding any pending Proceedings in the Court of Chancery, or any Decree or Order of such Court already made for Sale; and where any Decree or Order for a Sale has been or is hereafter made in any Suit or Matter, the Court may, if it see fit, order the Land to be sold and conveyed under the Provisions of this Act; and all the Provisions relating to the Case of a Sale made upon Application under this Act shall be applicable in the Case of a Sale pursuant to such Order.

Order for a Sale made under this Act may be made notwithstanding pending Proceedings or ordinary Decrees or Order for Sale.

 XXXVII. In

Construction of Terms, &c. in this Act: "Person:" "Possession:" "Land:"

XXXVII. In the Construction of this Act (except where the Context or other Provisions of the Act require a different Construction) the Word "Person" shall include a Body Politic or Corporate; the Word "Possession" shall include Receipt of the Rents and Profits; the Word "Land" shall include Tenements and Hereditaments, whether subject to any Fee Farm or other perpetual Rent, with or without Condition of Re-entry for securing the same or otherwise, and whether corporeal or incorporeal; and the Expression "Copyhold or Customary Land" shall mean Land holden by Copy of Court Roll or by Custom of any Manor, whether in Fee or in Tail, or for Life or Lives, or for Years; and the Word "Incumbrance" shall mean any legal or equitable Mortgage in Fee or for any less Estate, and also any Money secured or charged on Land by a Trust, or by Judgment, Decree, or Order of any Superior Court of Law or Equity, and also any Legacy, Portion, Lien, or other Charge whereby a gross Sum of Money is secured to be paid on an Event or at a Time certain, and also any annual or periodical Charge which by the Instrument creating the same, or by any other Instrument, is made repurchasable on Payment of a gross Sum of Money, and also any Arrear remaining unpaid of any annual or periodical Charge, for Payment of which Arrear a Sale of any Land charged therewith might be decreed by a Court of Equity; and the Word "Settlement," as used in this Act, shall signify any Act of Parliament, Deed, Agreement, Will, or other Instrument, or any Number of such Instruments, under or by virtue of which any Hereditaments stand limited to or in trust for any Persons, by way of Succession.

"Copyhold or Customary Land:"

"Incumbrance:"

"Settlement."

SCHE-

SCHEDULE.

Form of Conveyance or Assignment on Sales by the Court of Chancery (which may be used with such Variations as the Circumstances may appear to the Court to require).

UNDER the Authority of an Act passed in the Year of the Reign of Queen Victoria, intituled [*here set forth the Title of this Act*], in consideration of the Sum of by *E.F.* of, *&c.*, paid into the Bank of England to the Account of the Accountant General of the Court of Chancery in England, to the Credit of the said Court doth hereby grant unto the said *E.F.* all [*here describe the Premises to be sold*], to hold the same unto the said *E.F.*, his Heirs and Assigns [*or, in the Case of a Chattel Interest*, his Executors, Administrators, and Assigns], subject to [*here specify, where the Sale is made subject thereto, the Leases, Agreements, Rights, Estate, Interest, Charge, or Incumbrance, either by Reference to a Schedule or otherwise*].

In witness whereof the Seal of the said Court, provided under the said Act for this Purpose, and the Signature of me, *A.B.*, the Officer in this Behalf appointed or authorized by the said Court, have been hereunto affixed, this Day of in the Year of our Lord

[*Seal of the Court.*]
A.B.

The Certificate of Payment to be endorsed on or written at the Foot of the Conveyance may be in the following Form:

I CERTIFY that the within [*or* above] mentioned Sum of was paid into the Bank of England to the Account and Credit within [*or* above] mentioned on the Day of

A.B.

Transfer of Land.

A

B I L L

INTITULED

An Act to facilitate the Sale of Land.

(*Brought from the Lords*, 17 *May* 1858.)

Ordered, by The House of Commons, *to be Printed*,
4 *June* 1858.

[Bill 109.]

Under 2 oz.

A

B I L L

INTITULED

An Act to give to Trustees, Mortgagees, and others, certain Powers now commonly inserted in Settlements, Mortgages, and Wills.

WHEREAS it is expedient that certain Powers and Provisions which it is now usual to insert in Settlements, Mortgages, Wills, and other Instruments, should be made incident to the Estates of the Persons interested, so as to dispense with the Necessity of inserting the same in Terms in every such Instrument: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

PART I.

Powers of Trustees for Sale, &c., and Trustees of renewable Leaseholds.

I. In all Cases where by any Will, Deed, or other Instrument of Settlement it is expressly declared or manifestly intended that Trustees or other Persons therein named or indicated shall have a Power of Sale, either generally, or in any particular Event, over any Hereditaments Trustees empowered to sell may sell in Lots, and either by Auction or private Contract.

Hereditaments named or referred to in or from Time to Time subject to the Uses and Trusts of such Will, Deed, or other Instrument, it shall be lawful for such Trustees or other Persons, whether such Hereditaments be vested in them or not, to exercise such Power of Sale by selling such Hereditaments, either together or in Lots, and either by Auction or private Contract, and either at One Time or at several Times, or to exchange such Hereditaments for any other Hereditaments in England or Ireland (as the Case may be), and upon such Exchange to give or receive any Money for Equality of Exchange.

Sale may be made under special Conditions, and Trustees may buy in, &c.

II. It shall be lawful for the Persons making such Sale as aforesaid to insert any such special or other Stipulations, either as to Title or Evidence of Title, or otherwise, in any Conditions of Sale, or Contract for Sale or Exchange, as they shall think fit, and also to buy in the Hereditaments or any Part thereof at any Sale by Auction, and to rescind or vary any Contract for Sale or Exchange, and to re-sell the Hereditaments which shall be so bought in, or as to which the Contract shall be so rescinded, without being responsible for any Loss which may be occasioned thereby.

Trustees empowered to sell may enfranchise Copyholds, and grant Licences to build or demise to Copyhold Tenants.

III. It shall also be lawful for any Persons having such Power of Sale as aforesaid, from Time to Time to enfranchise any Tenements or Hereditaments holden of any Manor named or referred to in or from Time to Time subject to the Uses and Trusts of the Will, Deed, or other Instrument conferring the Power of Sale, for such Considerations as they shall think reasonable, and also to grant Licences to any Copyhold or Customary Tenants of any Manor to build on or otherwise improve all or any Part of their Tenements, and to make Roads and Streets in, upon, or through the same, or to annex the same or any Part thereof to adjacent Ground for the Purpose of Improvement, and also (for the Purpose of building on the Sites thereof, or for any other Improvement,) to pull down any Buildings, and also to demise all or any Part or Parts of their Copyhold Tenements, for the Purpose of building or improving as aforesaid, for any Term not exceeding Ninety-nine Years in possession.

Trustees exercising Power of Sale, &c. empowered to convey.

IV. For the Purpose of completing any such Sale, Exchange, or Enfranchisement as aforesaid, the Persons empowered to sell, exchange, or enfranchise as aforesaid shall have full Power to convey or otherwise dispose of the Hereditaments in question, either by way of Revocation and Appointment of the Use, or otherwise, as may be necessary.

Moneys arising from Sales, &c. to

V. The Money received upon any Sale or for Equality of Exchange or on any Enfranchisement as aforesaid shall be laid out in the

the Manner indicated in that Behalf in the Will, Deed, or Instrument containing the Power of Sale, or if no such Indication be therein contained as to all or any Part of such Money, then the same shall with all convenient Speed be laid out in the Purchase of other Hereditaments in Fee Simple in possession to be situate in England or Ireland (as the Case may be), or of Lands of a Leasehold or Copyhold or Customary Tenure convenient to be held therewith or with any other Hereditaments for the Time being subject to the subsisting Uses or Trusts of the same Will, Deed, or other Instrument of Settlement in which the Power of Sale was contained; and all such Hereditaments so to be purchased or taken in Exchange as aforesaid as shall be Freeholds of Inheritance shall be settled and assured to the Uses, upon and for the Trusts, Intents, and Purposes, and with, under, and subject to the Powers, Provisoes, and Declarations to which the Hereditaments sold or given in Exchange were or would have been subject, or as near thereto as the Deaths of Parties and other intervening Accidents will admit of, but not so as to increase or multiply Charges; and all such Hereditaments so to be purchased or taken in Exchange as aforesaid as shall be of Leasehold or Copyhold or Customary Tenure shall be settled and assured upon and for such Trusts, Intents, and Purposes, and with, under, and subject to such Powers, Provisoes, and Declarations, as shall as nearly as may be correspond with and be similar to the aforesaid Uses, Trusts, Intents, and Purposes, Powers, Provisoes, and Declarations, but not so as to increase or multiply Charges, and so that if any of the Hereditaments so to be purchased shall be held by Lease for Years the same shall not vest absolutely in any Tenant in Tail by Purchase who shall not attain the Age of Twenty-one Years; and any such Purchase as aforesaid may be made subject to any special Conditions as to Title or otherwise.

be laid out in other Lands;

VI. Provided nevertheless, That it shall be lawful for the Persons exercising such Power of Sale or Exchange or Enfranchisement as aforesaid, if they shall think fit, to apply any Money to be received upon any Sale or for Equality of Exchange or for Enfranchisement as aforesaid, or any Part thereof, in lieu of purchasing Lands therewith, in or towards paying off or discharging any Mortgage or other Charge or Incumbrance which shall or may affect all or any of the Hereditaments which shall then be subject to the same Uses or Trusts as the Hereditaments sold or given in Exchange.

or in Payment of Incumbrances.

VII. Until the Money to be received upon any Sale or for Equality of Exchange or for Enfranchisement as aforesaid shall be disposed of in the Manner herein mentioned, the same shall be invested at Interest for the Benefit of the same Parties who would be entitled to the Hereditaments to be purchased therewith as aforesaid, and the Rents

Until Purchase of Lands, &c., Money to be invested at Interest.

and Profits thereof, in case such Purchase and Settlement as aforesaid were then actually made.

Trustees of renewable Leaseholds may renew.

VIII. It shall be lawful for any Trustees of any Leaseholds for Lives or Years which are renewable from Time to Time, either under any Covenant or Contract or by Custom or usual Practice, if they shall in their Discretion think fit, and it shall be the Duty of such Trustees, if thereunto required by any Person having any beneficial Interest, present or future or contingent, in such Leaseholds, to use their best Endeavours to obtain from Time to Time a renewed Lease of the same Hereditaments on the accustomed and reasonable Terms, and for that Purpose it shall be lawful for any such Trustees from Time to Time to make or concur in making such Surrender of the Lease for the Time being subsisting, and to do all such other Acts as shall be requisite in that Behalf.

Money for Equality of Exchange and for Renewal of Leases may be raised by Mortgage, &c.

IX. In case any Money shall be required for the Purpose of paying for Equality of Exchange as aforesaid, or for Renewal of any Lease as aforesaid, it shall be lawful for the Persons effecting such Exchange or Renewal to pay the same out of any Money which may then be in their Hands in trust for the Persons beneficially interested in the Lands to be taken in Exchange, or comprised in the renewed Lease, whether arising by any of the Ways and Means herein-before mentioned or otherwise, and notwithstanding the Provisions for the Application of Money arising from Sales, Exchanges, and Enfranchisements herein-before contained; and if they shall not have in their Hands as aforesaid sufficient Money for the Purposes aforesaid, it shall be lawful for such Persons to raise the Money required by Mortgage of the Hereditaments to be received in Exchange or contained in the renewed Lease (as the Case may be), or of any other Hereditaments for the Time being subject to the subsisting Uses or Trusts to which the Hereditaments taken in Exchange or comprised in the renewed Lease (as the Case may be) shall be subject, and for the Purpose of effecting such Mortgage such Persons shall have the same Powers of conveying or otherwise assuring as are herein contained with reference to a Conveyance on Sale; and no Mortgagee advancing Money upon such Mortgage purporting to be made under this Power shall be bound to see that such Money is wanted, or that no more than wanted is raised.

No Sale, &c. to be made without Consent of Tenant for Life, &c.

X. Provided always, That no such Sale or Exchange of Hereditaments, or Enfranchisement of Copyholds, or Purchase of Hereditaments out of Money received on any Sale or Exchange as aforesaid, shall be made without the Consent of the Person appointed to consent by the Will, Deed, or other Instrument, or if no such Person be appointed, then of the Person entitled in possession to the Receipt of the

the Rents and Profits of such Hereditaments, if there be such a Person under no Disability.

No Persons other than those entitled under the Settlement, &c. to be affected.

XI. Nothing in this Part of this Act shall be deemed to empower any Trustees or other Persons to deal with or affect the Estates or Rights of any Persons soever, except to the Extent to which they might have dealt with or affected the Estates or Rights of any Persons if the Deed, Will, or other Instrument under which such Trustees or other Persons are hereby empowered to act had contained express Powers for such Trustees or other Persons so to deal with or affect such Estates or Rights.

PART II.

Powers of Mortgagees.

Powers incident to Mortgages.

XII. Where any Principal Money is secured or charged by Deed on any Hereditaments of any Tenure, or on any Interest therein, the Person to whom such Money shall for the Time being be payable, his Executors, Administrators, and Assigns, shall, at any Time after the Expiration of One Year from the Time when such Principal Money shall have become payable, according to the Terms of the Deed, or after any Interest on such Principal Money shall have been in arrear for Six Months, or after any Omission to pay any Premium on any Insurance which by the Terms of the Deed ought to be paid by the Person entitled to the Property subject to the Charge, have the following Powers, to the same Extent (but no more) as if they had been in Terms conferred by the Person creating the Charge; namely,

1st. A Power to sell or concur with any other Person in selling the whole or any Part of the Property by Public Auction or Private Contract, subject to any reasonable Conditions he may think fit, and to rescind or vary Contracts for Sale, or buy in and re-sell the same, from Time to Time, in like Manner:

2d. A Power to insure and keep insured from Loss or Damage by Fire the whole or any Part of the Property (whether affixed to the Freehold or not) which is in its Nature insurable, and to add the Premiums paid for any such Insurance to the Principal Money secured at the same Rate of Interest:

3d. A Power to appoint or obtain the Appointment of a Receiver of the Rents and Profits of the whole or any Part of the Property, in manner herein-after mentioned.

Receipts for Purchase Money.

XIII. Receipts for Purchase Money given by the Person exercising the Power of Sale hereby conferred shall be sufficient Discharges to the Purchasers, who shall not be bound to see to the Application of such Purchase Money.

Notice to be given before Sale; but Purchaser relieved from Inquiry as to Circumstances of Sale.

XIV. No such Sale as aforesaid shall be made until after Six Months Notice in Writing given to the Person or one of the Persons entitled to the Property subject to the Charge, or affixed on some conspicuous Part of such Property; but when a Sale has been effected in professed Exercise of the Powers hereby conferred, the Title of the Purchaser shall not be liable to be impeached on the Ground that no Case had arisen to authorize the Exercise of such Power, or that no such Notice as aforesaid had been given; but any Person damnified by any such unauthorized Exercise of such Power shall have his Remedy in Damages against the Person selling.

Application of Purchase Money.

XV. The Money arising by any Sale effected as aforesaid shall be applied by the Person receiving the same as follows; first, in Payment of all the Expenses incident to the Sale or incurred in any attempted Sale; secondly, in discharge of all Interest then due in respect of the Charge in consequence whereof the Sale was made; and, thirdly, in discharge of all the Principal Monies then due in respect of such Charge; and the Residue of such Money shall be paid to the Person entitled to the Property subject to the Charge, his Heirs, Executors, Administrators, or Assigns, as the Case may be.

Conveyance to the Purchaser.

XVI. The Person exercising the Power of Sale hereby conferred shall have Power by Deed to convey or assign to and vest in the Purchaser the Property sold, for all the Estate and Interest therein which the Person who created the Charge had Power to dispose of, except that in the Case of Copyhold Hereditaments the beneficial Estate or Interest only shall be conveyed to and vested in the Purchaser by such Deed, and thereupon the Purchaser of such Copyhold Hereditaments shall be entitled to be admitted thereto without any Surrender for all the Copyhold or Customary Estate therein which the Person creating the Charge had Power to dispose of, on Payment of all the customary Fines, Fees, and other Payments which would be payable on Surrender and Admittance; and no Lord of a Manor shall be bound or entitled to require any further Proof of the due Exercise of the Power of Sale hereby conferred than the Production of such Deeds of Charge and Conveyance as aforesaid, nor be liable to any Action or Suit whatsoever by reason of the Sale not having been authorized under this Act.

XVII. At

Owner of Charge may call for Title Deeds and Conveyance of legal Estate.

XVII. At any Time after the Power of Sale hereby conferred shall have become exerciseable, the Person entitled to exercise the same shall be entitled to demand and recover, from the Person entitled to the Property subject to the Charge, all the Deeds and Documents in his Possession or Power relating to the same Property, or to the Title thereto, which he would have been entitled to demand and recover if the same Property had been conveyed, appointed, surrendered, or assigned to and were then vested in him for all the Estate and Interest which the Person creating the Charge had Power to dispose of, and where the legal Estate shall be outstanding in a Trustee the Person entitled to a Charge created by a Person equitably entitled, or any Purchaser from such Person, shall be entitled to call for a Conveyance of the legal Estate to the same Extent as the Person creating the Charge could have called for such a Conveyance if the Charge had not been made.

Appointment of Receiver.

XVIII. Any Person entitled to appoint or obtain the Appointment of a Receiver as aforesaid may from Time to Time, if any Person or Persons has or have been named in the Deed of Charge for that Purpose, appoint such Person or any one of such Persons to be Receiver, or if no Person be so named, then may, by Writing delivered to the Person or one of the Persons entitled to the Property subject to the Charge, or affixed on some conspicuous Part of the Property, require such last-mentioned Person or Persons to appoint a fit and proper Person as Receiver, and if no such Appointment be made within Ten Days after such Requisition, then may in Writing appoint any Person he may think fit.

Receiver to be the Agent of the Mortgagor.

XIX. Every Receiver appointed as aforesaid shall be deemed to be the Agent of the Person entitled to the Property subject to the Charge, who shall be solely responsible for his Acts or Defaults, unless otherwise provided for in the Charge.

Powers of Receiver.

XX. Every Receiver appointed as aforesaid shall have Power to demand and recover and give effectual Receipts for all the Rents, Issues, and Profits of the Property of which he is appointed Receiver, by Action, Suit, Distress, or otherwise, in the Name either of the Person entitled to the Property subject to the Charge, or of the Person entitled to the Money secured by the Charge, to the full Extent of the Estate or Interest which the Person who created the Charge had Power to dispose of.

Receiver may be removed.

XXI. Every Receiver appointed as aforesaid may be removed by the like Authority or on the like Requisition as before provided with

with respect to the original Appointment of a Receiver, and new Receivers may be appointed from Time to Time.

His Poundage.

XXII. Every Receiver appointed as aforesaid shall be entitled to retain out of any Money received by him, in lieu of all Costs, Charges, and Expenses whatsoever, such a Commission, not exceeding Five per Centum on the gross Amount of all Money received, as shall be specified in his Appointment, and if no Amount shall be so specified, then Five per Centum on such gross Amount.

Receiver to insure, if required.

XXIII. Every Receiver appointed as aforesaid shall, if so directed in Writing by the Person entitled to the Money secured by the Charge, insure and keep insured from Loss or Damage by Fire, out of the Money received by him, the whole or any Part of the Property included in the Charge (whether affixed to the Freehold or not) which is in its Nature insurable.

Application of Moneys received by him.

XXIV. Every Receiver appointed as aforesaid shall pay and apply all the Money received by him in the first place in discharge of all Taxes, Rates, and Assessments whatsoever, and in Payment of his Commission as aforesaid, and of the Premiums on the Insurances, if any, and in the next place in Payment of all the Interest accruing due in respect of any Principal Money then charged on the Property over which he is Receiver, or on any Part thereof, and, subject as aforesaid, shall pay all the Residue of such Money to the Person for the Time being entitled to the Property subject to the Charge, his Executors, Administrators, or Assigns.

This Part to relate to Charges by way of Mortgage only.

XXV. The Powers and Provisions contained in this Part of this Act relate only to Mortgages or Charges made to secure Money advanced or to be advanced by way of Loan, or to secure an existing or future Debt.

PART III.

Provisions as to Investment of Trust Funds, Appointment and Powers of Trustees and Executors, &c.

On what Securities Trust Funds may be invested.

XXVI. Trustees having Trust Money in their Hands which it is their Duty to invest at Interest shall be at liberty, at their Discretion, to invest the same in any of the Parliamentary Stocks or Public Funds, or in Government Securities, and such Trustees shall also be at liberty, at their Discretion, to call in any Trust Funds invested on any other Securities than as aforesaid, and to invest the same in any such Securities as aforesaid, and also

also from Time to Time, at their Discretion, to vary any such Investments as aforesaid for others of the same Nature: Provided always, that no such original Investment as aforesaid (except in the Three per Cent. Consolidated Bank Annuities), and no such Change of Investment as aforesaid, shall be made where there is a Person under no Disability entitled in possession to receive the Income of the Trust Fund for his Life, or for a Term of Years determinable with his Life, or for any greater Estate, without the Consent in Writing of such Person.

Trustees may apply Income of Property of Infants, &c. for their Maintenance.

XXVII. In all Cases where any Property is held by Trustees in trust for an Infant, either absolutely, or contingently on his coming of Age, or on the Occurrence of any other Event previously to his coming of Age, it shall be lawful for such Trustees, at their sole Discretion, to pay to the Guardians (if any) of such Infant, or otherwise to apply the whole or any Part of the Income of such Property for the Maintenance or Education of such Infant or other Person, whether there be any other Fund applicable to the same Purpose, or any other Person bound by Law to provide for such Maintenance or Education, or not; and such Trustees shall accumulate all the Residue of such Income as aforesaid by way of Compound Interest, by investing the same and the resulting Income thereof from Time to Time in proper Securities, for the Benefit of the Persons who shall ultimately become entitled to the Property from which such Accumulations shall have arisen: Provided always, that it shall be lawful for such Trustees at any Time to apply the whole or any Part of such Accumulations as if the same were Part of the Income arising in the then current Year.

Provisions for Appointment of new Trustees on Death, &c.

XXVIII. Whenever any Trustee, either original or substituted, shall die, or desire to be discharged from or refuse or become unfit or incapable to act in the Trusts or Powers in him reposed, before the same shall have been fully discharged and performed, it shall be lawful for the Person or Persons nominated for that Purpose by the Deed, Will, or other Instrument creating the Trust (if any), or if there be no such Person, or no such Person able and willing to act, then for the surviving or continuing Trustees or Trustee for the Time being, or the acting Executors or Executor or Administrators or Administrator of the last surviving and continuing Trustee, or for the last retiring Trustee, by Writing, to appoint any other Person to be a Trustee in the Place of the Trustee so dying, or desiring to be discharged, or refusing or becoming unfit or incapable to act as aforesaid; and so often as any new Trustee shall be so appointed as aforesaid all the Trust Property (if any) which for the Time being

shall be vested in the surviving or continuing Trustees or Trustee, or in the Heirs, Executors, or Administrators of any Trustee, shall with all convenient Speed be conveyed, assigned, and transferred so that the same may be legally and effectually vested in such new Trustee, either solely, or jointly with the surviving or continuing Trustees or Trustee, as the Case may require; and every new Trustee to be appointed as aforesaid, as well before as after such Conveyance or Assignment as aforesaid, shall have the same Powers, Authorities, and Discretions, and shall in all respects act, as if he had been originally nominated a Trustee by the Deed, Will, or other Instrument creating the Trust.

New Trustee may be appointed where a Trustee named in a Will has died in Lifetime of Testator.

XXIX. The Power of appointing new Trustees herein-before contained may be exercised in Cases where a Trustee nominated in a Will has died in the Lifetime of the Testator.

Trustees Receipts to be Discharges.

XXX. The Receipts in Writing of any Trustees or Trustee for any Money payable to them or him by reason or in the Exercise of any Trusts or Powers reposed or vested in them or him shall be sufficient Discharges for the Money therein expressed to be received, and shall effectually exonerate the Persons paying such Money from seeing to the Application thereof, or from being answerable for any Loss or Misapplication thereof.

Indemnity of Trustees.

XXXI. Trustees shall not be responsible the one for the other of them, nor for any involuntary Losses; and it shall be lawful for any Trustees, out of any Trust Money coming to their Hands, to reimburse themselves and allow to their Co-Trustees all Costs, Charges, and Expenses incurred in or about the Execution of the Trusts or Powers in them reposed.

Executors may compound, &c.

XXXII. It shall be lawful for any Executors to pay any Debts or Claims upon any Evidence that they may think sufficient, and to accept any Composition, or any Security, Real or Personal, for any Debts due to the Deceased, and to allow any Time for Payment of any such Debts as they shall think fit, and also to compromise, compound, or submit to Arbitration all Debts, Accounts, Claims, and Things whatsoever relating to the Estate of the Deceased, and for any of the Purposes aforesaid to enter into, give, and execute such Agreements, Instruments of Composition, Releases, and other Things as they shall think expedient, without being responsible for any Loss to be occasioned thereby.

PART

PART IV.

General Provisions.

Tenants for Life, &c. may execute Powers, notwithstanding Incumbrances.

XXXIII. For the Purposes of this Act, a Person shall be deemed to be entitled to the Possession or to the Receipt of the Rents and Income of Land or Personal Property, although his Estate may be charged or incumbered, either by himself or by any former Owner, or otherwise howsoever to any Extent; but the Estates or Interests of the Parties entitled to any such Charge or Incumbrance shall not be affected by the Acts of the Person entitled to the Possession or to the Receipt of the Rents and Income as aforesaid, unless they shall concur therein.

Powers, &c. hereby given may be negatived by express Declaration.

XXXIV. None of the Powers or Incidents hereby conferred or annexed to particular Offices, Estates, or Circumstances shall take effect or be exerciseable if it is expressly declared in the Deed, Will, or other Instrument creating such Offices, Estates, or Circumstances that they shall not take effect; and where there is no such Declaration, then any Variations or Limitations of any of the Powers or Incidents hereby conferred or annexed contained in such Deed, Will, or other Instrument, shall be exerciseable or shall take effect only subject to such Variations or Limitations.

Commencement of Act.

XXXV. The Provisions contained in this Act shall extend only to Persons entitled or acting under Deeds, Wills, or other Instruments executed after the First Day of January One thousand eight hundred and fifty-nine.

Act not to extend to Scotland.

XXXVI. This Act shall not extend to Scotland.

Trustees, Mortgagees, &c.

A

BILL

INTITULED

An Act to give to Trustees, Mortgagees, and others, certain Powers now commonly inserted in Settlements, Mortgages, and Wills.

(*Brought from the Lords* 18 *May* 1858.)

Ordered, by The House of Commons *to be Printed,* 15 *June* 1858.

[Bill 132.]

Under 2 *oz.*

24 *March* 1858. 21 Vict.

A

B I L L

INTITULED

An Act for the better Protection of Trustees, Executors, and Administrators acting bonâ fide in the Discharge of their Office.

WHEREAS by the Rules of Equity now in force Trustees, Executors, and Administrators are in many Instances held responsible as for Breaches of Trust in the Administration of the Trust Funds or Assets, although they have acted bonâ fide and without any Benefit to themselves; and it is expedient that such Rules should be modified: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Where Trustee, &c. acting bonâ fide commit a Breach of Trust, and Profits accrue thereby, such Profits to be set off against the Loss, to the Relief of Trustee, &c.

I. Where a Trustee, Executor, or Administrator acting bonâ fide has nevertheless committed a Breach of Trust, and is charged therewith accordingly, and any Profit has accrued to the Parties beneficially interested in the Estate administered by such Trustee, Executor, or Administrator, by or in consequence of the same Breach of Trust, such Profit shall be set off against any Loss with which he may be charged, to the Relief of such Trustee, Executor, or Administrator; but as between or amongst the Parties beneficially interested the Profit

Profit and Loss shall be respectively distributed as the Justice of the Case may require.

Trustee, &c. making Payment under Power of Attorney not to be liable by reason of Death of Party giving such Power.

II. No Trustee, Executor, or Administrator making any Payment or doing any Act bonâ fide upon the Footing of any Power of Attorney shall be liable for the Monies so paid or the Act so done, by reason that the Person who gave the Power of Attorney was dead at the Time of such Payment or Act, or had done some Act to avoid the Power, provided that the Fact of the Death at the Time of such Payment or Act was not known to such Trustee, Executor, or Administrator; provided, that where the Person giving such Power has only a Life or other limited Interest in any Trust Fund, the Person entitled to the Fund after the Determination of the previous Interest shall not be bound by any Payment under the Power after the Determination of such previous Interest.

If Testator do not direct an Act to be done which in Equity ought to be, Trustee, &c. not liable for Breach, unless there has been Negligence.

III. Where a Testator shall not have directed an Act to be done, which nevertheless by the Rules of Equity ought to be done, a Trustee, Executor, or Administrator acting bonâ fide shall not be chargeable as for a Breach of Trust for having omitted to do such Act, unless the Court shall be of opinion that there has been Crassa Negligentia on the Part of the Trustee, Executor, or Administrator, or some or one of the Cestuis que Trust shall have required him to perform the same; but nothing in this Act contained shall be taken to exempt a Trustee, Executor, or Administrator from Payment of Interest on Balances in his Hands, where by the Rules of Equity, as now enforced, he would be liable to Payment of such Interest.

Trustee, &c. not liable for Omission to sue on Bond &c. for Money lent in Lifetime of Testator or Intestate, unless required so to do by the Will or by Next of Kin.

IV. Where a Testator or Intestate shall have lent Money on a Bond or other Personal Security, and shall not in his Lifetime have called in such Money, although due, his Trustee, Executor, or Administrator shall not be liable for having omitted to sue for the same, unless directed so to do by the Will of the Person so entitled as aforesaid, or unless required so to do by some of the Next of Kin, Cestuis que Trust, or other Persons interested in the Money to be recovered: Provided always, that if Circumstances shall have come to the Knowledge of such Trustee, Executor, or Administrator which would render it the Duty of a Trustee, Executor, or Administrator to call in the said Money, such Trustee, Executor, or Administrator shall not be protected by this Act from the Consequences of any subsequent Default.

As to Liability of Executor or Administrator in respect of

V. Where an Executor or Administrator, liable as such to the Rents, Covenants, or Agreements contained in any Lease or Agreement for a Lease granted or assigned to the Testator or Intestate whose Estate is being administered, shall have satisfied all such Liabilities

Liabilities under the said Lease or Agreement for a Lease as may have accrued due and been claimed up to that Time, and shall have set apart a sufficient Fund to answer any future Claim that may be made in respect of any fixed and ascertained Sum covenanted or agreed by the Lessee to be laid out on the Property demised or agreed to be demised, although the Period for laying out the same may not have arrived, and shall have assigned the Lease or Agreement for a Lease to a Purchaser thereof, he shall be at liberty to distribute the Residuary Personal Estate of the Deceased to and amongst the Parties entitled thereto respectively, without appropriating any Part, or any further Part, (as the Case may be,) of the Personal Estate of the deceased to meet any future Liability under the said Lease or Agreement for a Lease; and the Executor or Administrator so distributing the Residuary Estate shall not, after having assigned the said Lease or Agreement for a Lease, and having, where necessary, set apart such sufficient Fund as aforesaid, be personally liable in respect of any subsequent Claim under the said Lease or Agreement for a Lease; but nothing herein contained shall prejudice the Right of the Lessor or those claiming under him to follow the Assets of the Deceased into the Hands of the Person or Persons to or amongst whom the said Assets may have been distributed.

Rents, Covenants, or Agreements.

VI. Where an Executor or Administrator shall have given such or the like Notices as in the Opinion of the Court in which such Executor or Administrator is sought to be charged would have been given by the Court of Chancery in an Administration Suit, for Creditors and others to send in to the Executor or Administrator their Claims against the Estate of the Testator or Intestate, such Executor or Administrator shall, at the Expiration of the Time named in the said Notices or the last of the said Notices for sending in such Claims, be at liberty to distribute the Assets of the Testator or Intestate, or any Part thereof, amongst the Parties entitled thereto, having regard to the Claims of which such Executor or Administrator has then Notice, and shall not be liable for the Assets or any Part thereof so distributed to any Person of whose Claim such Executor or Administrator shall not have had Notice at the Time of Distribution of the said Assets or a Part thereof, as the Case may be; but nothing in the present Act contained shall prejudice the Right of any Creditor or Claimant to follow the Assets or any Part thereof into the Hands of the Person or Persons who may have received the same respectively.

As to Distribution of the Assets of Testator or Intestate after Notice given by Executor or Administrator.

VII. Any Trustee, Executor, or Administrator shall be at liberty, without the Institution of a Suit, to apply by Petition to any Judge of the High Court of Chancery, or by Summons upon a written Statement to any such Judge at Chambers, for the Opinion, Advice, or

Trustee, Executor, &c. may apply by Petition to Judge of

Chancery for Opinion, Advice, &c. in Management, &c. of Trust Property.

or Direction of such Judge on any Question respecting the Management or Administration of the Trust Property or the Assets of any Testator or Intestate, such Application to be served upon or the Hearing thereof to be attended by all Persons interested in such Application, or such of them as the said Judge shall think expedient; and the Trustee, Executor, or Administrator acting upon the Opinion, Advice, or Direction given by the said Judge shall be deemed, so far as regards his own Responsibility, to have discharged his Duty as such Trustee, Executor, or Administrator, in the Subject Matter of the said Application; provided nevertheless, that this Act shall not extend to indemnify any Trustee, Executor, or Administrator in respect of any Act done in accordance with such Opinion, Advice, or Direction as aforesaid, if such Trustee, Executor, or Administrator shall have been guilty of any Fraud or wilful Concealment or Misrepresentation in obtaining such Opinion, Advice, or Direction; and the Costs of such Application as aforesaid shall be in the Discretion of the Judge to whom the said Application shall be made.

Breach of Trust not to be protected where Trustee, &c. derive Benefit from such Breach.

VIII. No Breach of Trust or Duty shall be protected by this Act where the Trustee, Executor, or Administrator shall either directly or indirectly derive from the Act or Matter constituting such Breach of Trust any personal Benefit.

Every Trust Instrument to be deemed to contain Clauses for the Indemnity and Reimbursement of the Trustees.

IX. Every Deed, Will, or other Instrument creating a Trust either expressly or by Implication, shall, without Prejudice to the Clauses actually contained therein, be deemed to contain a Clause in the Words or to the Effect following; that is to say, "That the Trustees or Trustee for the Time being of the said Deed, Will, or other Instrument shall be respectively chargeable only for such Monies, Stocks, Funds, and Securities as they shall respectively actually receive notwithstanding their respectively signing any Receipt for the sake of Conformity, and shall be answerable and accountable only for their own Acts, Receipts, Neglects, or Defaults, and not for those of each other, nor for any Banker, Broker, or other Person with whom any Trust Monies or Securities may be deposited, nor for the Insufficiency or Deficiency of any Stocks, Funds, or Securities, nor for any other Loss, unless the same shall happen through their own wilful Default respectively; and also that it shall be lawful for the Trustees or Trustee for the Time being of the said Deed, Will, or other Instrument to reimburse themselves or himself, or pay or discharge out of the Trust Premises all Expenses incurred in or about the Execution of the Trusts or Powers of the said Deed, Will, or other Instrument;" and the said Clause, to be so taken as contained in every such Deed, Will, or other Instrument as aforesaid, shall be construed beneficially for Trustees.

Trustees Relief.

A

B I L L

INTITULED

An Act for the better Protection of Trustees, Executors, and Administrators acting bonâ fide in the Discharge of their Office.

(*Brought from the Lords* 23 *March* 1858.)

Ordered, by The House of Commons, *to be Printed*, 24 *March* 1858.

[Bill 39.]

Under 1 *oz.*

A

B I L L

TO

Continue certain Turnpike Acts in Great Britain.

WHEREAS it is expedient to continue for limited Times the Acts herein-after specified: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. Every Act now in force for regulating, making, amending, or repairing any Turnpike Road in Great Britain which will expire on or before the End of the next Session of Parliament shall be continued until the *First Day of October One thousand eight hundred and fifty-nine, and to the End of the then next Session of Parliament*, except an Act of the Fifty-fourth of King George the Third, Chapter Fifty-four, "for making and maintaining a Road from Balderston to "Burscough Bridge in Walton-in-le-Dale in the County Palatine of "Lancaster," and an Act of the Seventh and Eighth Years of King George the Fourth, Chapter Fifty-seven, "for more effectually "amending and improving the Road from Bawtry Bridge in the "County of Nottingham to Hainton in the County of Lincoln, and "other Roads therein mentioned," so far as the same relates to the First District or Division of Roads therein described, and except as herein-after mentioned. All Turnpike Acts expiring before the End of the next Session continued to 1st Oct. 1859, except 54 G. 3. c. 54. and 7 & 8 G. 4. c. 57. in part.

Acts in Schedule continued till 1st Nov. 1859.

II. The Acts mentioned in the Schedule to this Act annexed shall continue in force until the *First Day of November One thousand eight hundred and fifty-nine*, and no longer, unless Parliament shall in the meantime continue the same respectively.

Short Title.

III. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Annual Turnpike Acts Continuance Act, 1858."

SCHE-

SCHEDULE.

An Act for enlarging the Term and Powers of an Act of His present Majesty for repairing the Road from the Neat Eustone and Chipping Norton Turnpike Road, through Bicester, to Weston-on-the-Green in the County of Oxford, and for making a new Branch of Road to communicate therewith.	53 G. 3. c. cxxxiii.
An Act to continue the Term and alter and amend the Powers of Three Acts of His present Majesty for repairing the Road from Lawton in the County of Chester to Burslem and Newcastle-under-Lyme in the County of Stafford, and other Roads therein mentioned; and also to make a new Road from Burslem aforesaid to Cobridge, and a Branch therefrom to Burslem Church.	55 G. 3. c. xix
An Act to continue the Term and alter and enlarge the Powers of Two Acts of His present Majesty for amending the Road from the Bottom of Galley Hill to the Cross in Clanfield in the County of Oxford.	55 G. 3. c. xxxviii.
An Act for repairing the Road from Shelton's Lane in Bury in the County of Huntingdon to a House formerly called The Spread Eagle in the Hamlet of Stratton in the Parish of Biggleswade in the County of Bedford.	59 G. 3. c. xxv.
An Act for continuing the Term and altering and enlarging the Powers of an Act of His late Majesty's Reign for amending the Road leading out of the Highway from Wigan to Golborn and Warrington into the Road from Wigan to Ashton in Ashton-in-Mackerfield in the County Palatine of Lancaster.	1 G. 4. c. xiv.
An Act for amending, diverting, altering, straightening, improving, completing, and keeping in repair several Roads leading from the Market House in the Town of Ludlow, and elsewhere, in the County of Salop.	1 G. 4. c. xxxiii.
An Act for continuing the Term and altering and enlarging the Powers granted by Two Acts of His late Majesty for repairing and widening the Road from Skipton to the Turnpike Road leading from Leeds to Ripon, near Ockbeck, in the Township of Bilton-with-Harrogate, and from thence to communicate with the Road leading from Knaresborough to Wetherby in the West Riding of the County of York.	1 & 2 G. 4. c. xvi.
An Act for more effectually repairing and improving the Roads leading from Bishop's Castle and from Montgomery to the Road at Westbury, and from Brockton to the Road at Minsterley, and other Roads therein mentioned, in the Counties of Salop, Radnor, and Montgomery, and for amending, widening, and improving several other Roads therein mentioned in the said County of Salop.	3 G. 4. c. xlix.
An Act for more effectually repairing the Road leading from the Cross-of-Hand, near Finford Bridge, in the County of Warwick, through the Town of Southam in the same County, to the Borough of Banbury in the County of Oxford.	3 G. 4. c. xcv.
An Act for amending and repairing the Roads from Minehead in the County of Somerset to Batham Bridge, in the Town of Brampton, in the County of Devon, and for making a new Branch of Road to communicate therewith.	3 G. 4. c. xcix.

5 G. 4. c. xxxiii. An Act for widening, improving, and maintaining the Turnpike Road leading from the City of Worcester, through Droitwich, to Spadesbourne Bridge, within the Parish of Bromsgrove in the County of Worcester, and other Roads therein mentioned.

6 G. 4. c. lxxxvi An Act for more effectually repairing and improving the Roads from Sheet Bridge to Portsmouth and from Petersfield to the Alton and Alresford Turnpike Road near Ropley in the County of Southampton, and for making and maintaining a new Branch of Road to communicate therewith.

6 G. 4. c. cxlix. An Act for repairing, widening, improving, and maintaining in repair the Turnpike Roads from Leeds to Halifax, and the several Branches and Roads therein mentioned, in the West Riding of the County of York.

6 G. 4. c. cl. An Act for repairing the Road from the City of York to the Top of Oswaldkirk Bank in the County of York.

9 G. 4. c. v. An Act for repairing the Road from Hinckley to Melbourne Common, and other Roads communicating therewith, in the Counties of Leicester and Derby.

9 G. 4. c. lxvii. An Act for making a Turnpike Road from the Township of Hunslet, across the River Aire to the Township of Leeds, together with a Branch therefrom, all in the West Riding of the County of York.

9 G. 4. c. lxx. An Act for repairing the Roads from Horsham to Steyning, and from thence to the Top of Steyning Hill, in the County of Sussex, and from the Bottom of Steyning Hill to Slaughter's Corner in the Parish of Beeding, and from thence to Shoreham Bridge in the Parish of Old Shoreham in the said County.

9 G. 4. c. clxxvii. An Act to alter, amend, and enlarge the Powers and Provisions of several Acts relating to the Road from Chester to Wrexham in the City and County of Chester, and the Counties of Flint and Denbigh.

9 G. 4. c. lxxxiv. An Act for more effectually repairing the Dunster, Stowey, Watchet, and Crowcombe Districts of the Minehead Roads in the Counties of Somerset and Devon, and for making and repairing several other Roads communicating with the same Districts of Road, or some of them.

Turnpike Acts Continuance.

A

BILL

To continue certain Turnpike Acts in Great Britain.

(Prepared and brought in by Mr. Hardy and Mr. Secretary Walpole.)

Ordered, by The House of Commons, *to be Printed,* 13 *July* 1858.

[Bill 213.]

Under 1 *oz.*

A

BILL

TO

Confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts, and to extend the Provisions of the said Act.

WHEREAS, in pursuance of the Act of the Fifteenth Year of Her Majesty, "to facilitate Arrangements for the Relief of "Turnpike Trusts, and to make certain Provisions respecting "Exemptions from Tolls," certain Provisional Orders have been made for reducing the Rate of Interest, and for extinguishing the Arrears of Interest on the Mortgage Debts charged or secured on the Tolls or Revenues of certain Turnpike Roads, and such Orders have been published in the London Gazette, and in Newspapers circulating in the Neighbourhood of such Roads, and the Dates of such Provisional Orders, and the Acts under which the Tolls or Revenues on which such Debts are charged or secured are levied or raised, together with the Amount to which the Rate of Interest on such Debts is to be reduced, and the Day up to which the Interest and Arrears of Interest on such Debts are to be extinguished by such Orders, are mentioned in the Schedule to this Act, and the First of the said Orders bearing

Preamble. 14 & 15 Vict. c. 38.

Date

Date in the Year One thousand eight hundred and fifty-seven was made by the Right Honourable Sir George Grey, who at the Date thereof was One of Her Majesty's Principal Secretaries of State, and the Second of the said Orders bearing Date in the Year One thousand eight hundred and fifty-eight was made by the Right Honourable Spencer Horatio Walpole, who at the Date thereof was One of such Secretaries of State: And whereas it is expedient that the said Provisional Orders should be confirmed and made absolute: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provisional Orders confirmed.

I. The said Provisional Orders are hereby confirmed and made absolute, and shall be as binding and of the like Force and Effect as if the Provisions thereof had been expressly enacted by Parliament.

II. And whereas the Provisions of the said Act of the Fifteenth Year of Her Majesty for facilitating the Arrangements therein mentioned with the Creditors of Turnpike Trusts are confined to the Cases "where the Revenues of any Turnpike Road in England "applicable to the Payment of the Interest upon the Principal Money "for the Time being charged or secured on the Tolls or Revenues of "such Road are insufficient for the Payment in full of such Interest," and it is expedient that such Provisions should be extended to other Cases:

Provisions of recited Act extended.

So much of the said Act as confines the Operation thereof to the Case where the Revenues of a Turnpike Road are insufficient for the Payment in full of such Interest as aforesaid shall be repealed, and the Provisions of such Act shall be applicable to and in the Case of any Turnpike Road in England, whether the Revenues thereof be or be not insufficient for such Payment as aforesaid.

SCHE-

SCHEDULE.

Date of Provisional Order.	TITLE OF LOCAL ACT.	Amount of Principal Debt.	Interest to be reduced to the following Rates per Annum.	Arrears of Interest to be extinguished to the following Dates.
		£ *s.* *d.*		
1857. 18 Nov.	3 G. 4. c. 96., "An Act for continuing the "Term and enlarging the Powers of an Act "of the Forty-first Year of His late Majesty "King George the Third for repairing the "Road from the Town and Port of Dover to "the Town and Port of Sandwich, and also "the Road from the present Turnpike Road "leading from Dover to Barham Downs, up "Kersney Court Hill, to the Parish of Whit-"field, otherwise Beansfield, in the County of "Kent."	2,650 0 0	3*l.* per Cent.	31 Dec. 1857.
1858. 6 April	59 G. 3. c. 99., "An Act for continuing and "amending Three Acts of His late and "present Majesty for repairing the Roads "from Brown's Lane in Great Staughton in "the County of Huntingdon to the Way "Post near Wellingborough Bridge in the "County of Northampton, and from the "Pound in Kimbolton to the Way Post "near Brington Bridge in the said County of "Northampton."	3,150 0 0	3*l.*	24 June 1857.

Turnpike Trusts Arrangements.

A

B I L L

To confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts, and to extend the Provisions of the said Act.

(*Prepared and brought in by Mr. Hardy and Mr. Secretary Walpole.*)

Ordered, by The House of Commons, *to be Printed*, 12 *July* 1858.

[Bill 200.]

Under 1 *oz.*

Universities (Scotland) Bill.

ARRANGEMENT OF CLAUSES.

King's College and Marischal College, Aberdeen, to be united under Title of "University of Aberdeen;" Sect. 1.
Appointment of Chancellors; 2.
University Courts to be constituted; 3.
Powers of Senatus Academicus and Principal; 4.
General Councils of the Universities to be constituted; 5.
General Council of the University of Aberdeen; 6.
St. Andrew's University Court, of whom to consist; 7.
Glasgow University Court; 8.
Aberdeen University Court; 9.
Edinburgh University Court; 10.
Supply of Vacancies in Offices of Rector or Assessor; 11.
Powers of University Courts; 12.
Right of Nomination to Professorships vested in University Courts; 13.
Commissioners appointed; 14.
Powers of Commissioners; 15.
Powers of Commissioners with respect to University of Aberdeen; 16.
Statutes may be altered or revoked; 17.
Queen may issue Instructions during the Subsistence of the Commission; 18.
How Parliamentary Grant to be applied; 19.
Treasury may grant Money for Payment of Salaries, &c.; 20.
Commissioners under this Act specially to regard Reports of Commissioners for visiting Universities of Scotland, and to report to Parliament; 21.
Interpretation; 22.

(Scotland.)

A

B I L L

TO

Make Provision for the better Government and Discipline of the Universities of Scotland, and improving and regulating the Course of Study therein; and for the Union of the Two Universities and Colleges of Aberdeen.

WHEREAS it is expedient for the Advancement of Religion and Learning to make Provision for the better Government and Discipline of the Universities in Scotland, viz., the Universities of St. Andrew's, Glasgow, Aberdeen, and Edinburgh, and for improving and regulating the Course of Study therein: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. That from and after such Date as may be fixed by the Commissioners herein-after appointed by special Ordinance, approved by Her Majesty in Council, the "University and King's College of Aberdeen" and "Marischal College and University of Aberdeen" shall be united and incorporated into One University and College, in all King's College and Marischal College, Aberdeen, to be united under Title of "University

of Aberdeen."

all Time coming thereafter, under the Style and Title of the "University of Aberdeen;" and the said united University shall take Rank among the Universities of Scotland as from the Date of Erection of King's College and University, viz., the Year One thousand four hundred and ninety-four, and all the Funds, Properties, and Revenues now pertaining or belonging in any manner of way to the "University and King's College," or to "Marischal College and University," shall in Time coming thereafter pertain and belong to the "University of Aberdeen."

Appointment of Chancellors.

II. The Chancellor of each of the Universities of St. Andrew's, Glasgow, and Aberdeen shall be appointed in the same Manner as at present; and in Time coming there shall be a Chancellor of the University of Edinburgh, to be appointed by Her Majesty: Provided always, that the present Chancellor of the University and King's College of Aberdeen, and the present Chancellor of Marischal College and University of Aberdeen, shall, during their joint Lives, be joint Chancellors of the University of Aberdeen, and the Survivor shall be sole Chancellor during his Survivance, and thereafter a Chancellor shall be appointed in manner herein provided; provided also, that the Chancellor of each of the said Universities shall hold his Office for Life.

University Courts to be constituted.

III. From and after the Date at which this Act shall come into operation, there shall be constituted in each of the said Universities a University Court, which shall consist of the Members and possess and exercise the Powers herein-after enacted, and of which the Rector shall be the ordinary President, with a deliberative and a casting Vote.

Powers of the Senatus Academicus and Principal.

IV. The Senatus Academicus of each of the said Universities shall consist of the Principal or Principals and whole Professors in each University, and shall continue to possess and exercise the Powers heretofore belonging to a Senatus Academicus in so far as the same are not modified or altered by or in pursuance of the Provisions of this Act; and the Principal, or the Senior Principal if more than One, shall be the ordinary President of the Senatus Academicus, with a deliberative and a casting Vote; and the Principal shall have the constant and ordinary Inspection of the Professors in the Discharge of their Duties, with Power at all Times to superintend and visit the several Classes, and shall be bound to visit each Class not less than *twice* each Session.

General Councils of the Univer-

V. There shall be in each University a General Council consisting of the Members of the University Court, of the Professors, and of all

all Graduates whose Names stand registered as such on the Books of the University, which shall assemble *twice* every Year, on such Days as may be fixed by the Commissioners herein-after appointed, subject to Alteration thereafter from Time to Time by Resolution of the said Council, and with Power of Adjournment, at the Meetings of which Council the Chancellor, and in his Absence the Rector, whom failing, the Principal or Senior Principal, whom failing, the Senior Professor, shall preside, and shall have a deliberative and also a casting Vote: It shall be competent to such Council to take part in the Election of Office Bearers of the University in manner herein-after provided, and also to take into their Consideration all Questions affecting the Well-being and Prosperity of the University, and to make Representations from Time to Time on such Questions to the University Court, who shall consider the same, and return to the Council their Deliverance thereon. sities to be constituted.

VI. That the General Council of the University of Aberdeen shall consist of the Members of the University Court, of the Professors, and of all the Graduates who at the Date of the Union herein-before provided shall stand registered in the Books of the University and King's College, and in the Books of Marischal College and University, and of all future Graduates of the University of Aberdeen. General Council of the University of Aberdeen.

VII. The University Court of the University of Saint Andrew's shall consist of the following Members; viz., *St. Andrew's.*

University Court, of whom to consist.

1. A Rector to be elected by the General Council of the University;
2 and 3. The Principals of the Two Colleges;
4. An Assessor to be nominated by the Chancellor;
5. An Assessor to be nominated by the Rector;
6. An Assessor to be elected by the General Council:

Three shall be a Quorum; and the Rector and the Assessors shall continue in Office for *Four* Years; and no Principal or Professor of any University shall be eligible to the Office of Rector or Assessor.

VIII. The University Court of the University of Glasgow shall consist of the following Members; viz., *Glasgow.*

University Court, of whom to consist.

1. A Rector to be elected by the General Council of the University;
2. The Principal;
3. The Dean of Faculties;
4. The Minister of Glasgow for the Time being, not being the Principal or a Professor;
5. An Assessor to be nominated by the Chancellor;

6. An Assessor to be nominated by the Rector;
7. An Assessor to be elected by the General Council of the University:

Neither the Rector nor any of the Three Assessors shall be a Principal or Professor of any University. The Rector and the Three Assessors shall continue in Office for *Four* Years; and *Three* Members of the University Court shall be a Quorum. The Office of Vice-Chancellor is hereby abolished; and the Rector, Dean of Faculties, and Minister of Glasgow shall no longer exercise any Right or Power as ordinary Visitors other than is or may be conferred on them as Members of the University Court.

Aberdeen.

University Court, of whom to consist.

IX. The University Court of the University of Aberdeen shall consist of the following Members; viz.,

1. A Rector, to be chosen by the General Council of the University;
2. The Principal;
3. An Assessor to be nominated by the Chancellor;
4. An Assessor to be nominated by the Rector;
5. An Assessor to be elected by the General Council of the University:

Three shall be a Quorum. The Rector and the Assessors shall continue in Office for *Four* Years; and no Principal or Professor of any University shall be eligible to the Office of Rector or Assessor.

Edinburgh.

University Court, of whom to consist.

X. The University Court of the University of Edinburgh shall consist of the following Members; viz.

1. A Rector to be elected by the General Council of the University;
2. The Principal;
3. An Assessor to be nominated by the Chancellor;
4. and 5. Two Assessors to be nominated by the Lord Provost, Magistrates, and Town Council of Edinburgh;
6. An Assessor to be nominated by the Rector;
7. An Assessor to be elected by the General Council of the University:

And no Principal or Professor of any University shall be eligible to the Office of Rector or Assessor: And the Rector and Assessors shall continue in Office for *Four* Years, and *Three* Members of the University Court shall be a Quorum.

For Supply of Vacancies in Offices of

XI. In the Case of Vacancies in the Office of Rector or Assessor occurring by Death, Resignation, or supervening Incapacity betwixt the

the regular Periods for Election, the Vacancies shall be filled up by the same Electors for the Remainder of the Period unexpired. Rector or Assessor.

XII. The University Court of each University shall, subject to the Provisions of this Act, have the following Powers; viz., Powers of University Courts.

1. To review all Decisions of the Senatus Academicus, and to be a Court of Appeal from the Senatus in every Case except as herein otherwise provided for:
2. To effect Improvements in the internal Arrangements of the University, after due Communication with the Senatus Academicus, and with the Sanction of the Chancellor:
3. To require due Attention on the Part of the Professors to Regulations as to the Mode of teaching and other Duties imposed on the Professors:
4. To fix and regulate from Time to Time the Fees in the several Classes:
5. After due Investigation to censure a Professor or to suspend him from his Office and from the Emoluments thereof in whole or in part for any Period not exceeding *One Year*, or to require him to retire from his Office on a retiring Allowance, or to deprive him of his Office; and during the Suspension of any Professor to make due Provision for the teaching of his Class:
6. After due Investigation to censure, suspend, or remove Librarians, Janitors, and other inferior Officers of the University:
7. To inquire into and control the Revenue, Expenditure, and all the pecuniary Concerns of the University, including Funds mortified for Bursaries and other Purposes.

XIII. The Right of Nomination or Presentation to any Professorships within any of the said Universities, in Time past and presently exercised by the Senatus or Faculty thereof, or by One or more of the Professors therein, or by any Member or other Officer thereof, shall be transferred to and in all Time coming be exercised, as regards each University, by the University Court thereof, to be established in Manner herein-before provided. Right of Nomination to Professorships vested in University Courts.

XIV. The following Persons; (that is to say,) Commissioners appointed.

shall be Commissioners for the Purposes of this Act, and shall have a Common Seal; and [illegible] of the said Commissioners shall be a Quorum; and the Commissioners may elect One of their Number to be their permanent Chairman, and the permanent Chairman, or in his absence, One of the Commissioners elected and acting as Chairman at any Meeting, shall have both a deliberative and a casting Vote.

Queen may fill up Vacancy.

If any Vacancy occurs in the Number of the Commissioners by means of Death, Resignation, or Incapacity to act, Her Majesty may fill up such Vacancy, by Warrant under the Sign Manual.

Declaration of Powers of Commissioners.

The Powers hereby conferred on the Commissioners shall be in force until the *First Day of January One thousand eight hundred and sixty-two;* and it shall be lawful to Her Majesty, by and with the Advice of Her Privy Council, to continue the same until the *First Day of January One thousand eight hundred and sixty-three*, and no longer.

Powers of Commissioners:

XV. The Commissioners shall possess and exercise the following Powers; viz.,

To cite and examine Office Bearers in Universities, and require Production of Documents and Accounts;

1. To call before them the respective Principals, Professors, Regents, Masters, and others bearing Office in the said Universities; viz., the University of St. Andrew's, the University of Glasgow, the University and King's College of Aberdeen, the University of Edinburgh, Marischal College and University of Aberdeen, and to examine them as to all Rules and Ordinances now in force in the said Universities; and to require the Production of all Documents and Accounts relating to any of the said Universities or Colleges:

To revise the Foundations, &c., and to alter Trusts;

2. To revise the respective Foundations, Mortifications, Bursaries, and Donations bestowed on any of the said Universities or Colleges, or for the Benefit of any Professors, Students, or others therein; and further if in the Case of any such Gift or Endowment which has taken effect for more than *Fifty* Years, and has been held by any of the said Universities or Colleges, or by any other Person in trust for or on behalf of the same or of any Persons therein, it shall appear to the Commissioners that the Interests of Religion and Learning and the main Design of the Donor may be better advanced by an Alteration of the Conditions or Directions affecting such Gift or Endowment, it shall be lawful to the Commissioners to alter or modify such Conditions or Directions, and to frame a new Statute or Ordinance for the Application of such Gift or Endowment, in such Manner as may better advance the Purposes thereof:

To regulate the Powers of Office Bearers;

3. Subject to the Provisions of this Act, to regulate the Powers, Jurisdictions, and Privileges of Chancellors, Rectors, Assessors, Professors, and all other Members or Office Bearers in the said Universities

Universities and Colleges, as also of the Senatus Academicus, the General Council, and the University Court, and their Meetings, as well with respect to the Government, Policy, and Discipline of the University as to the Management and Disposal of the Revenues and Endowments thereof, with Power to abolish unnecessary Offices.

4. Subject to the Provisions of this Act, to make Regulations as to Time, Place, and Manner of presenting and electing all University Officers: Provided always, that the existing Rights of Nomination or Presentation to any Professorships shall not, except in so far as herein expressly otherwise provided, be thereby affected: To regulate Elections of University Officers.

5. To make Rules for the Management and Ordering of the said Universities, the Manner and Conditions in and under which Students shall be admitted thereto, the Course of Study, and Manner of teaching therein, the Amount and Exaction of Fees, the Manner of Examination, with the Qualifications, Appointment, and Number of Examiners, and the Amount and Manner of their Remuneration, the granting of Degrees, whether in Arts, Divinity, Law, or Medicine, and to provide that, in so far as shall be practicable, and in the Opinion of the Commissioners conducive to the Well-being of the Universities, and to the Advancement of Learning, the Course of Study, the Manner of Examination, and the Conditions under which Degrees are to be conferred, shall be uniform in all the Universities of Scotland: To regulate Course of Study, Exaction of Fees, &c.;

6. To found new Professorships where they are required, and to provide for the Appointment of Assistants to such Professors as from the Nature and Duties of their Professorships require Assistance, and to provide for the Remuneration of such Assistants, and to provide by whom the Right of presenting or appointing such new Professors and Assistants shall be exercised: To found Professorships and provide for Assistants.

7. To make such Provision as the Commissioners shall see fit, as well for the due Preservation, Administration, and Disposal of the whole Property, Funds, Rents, Revenues, and Endowments as for the Preservation and Maintenance of all the Fabrics and Buildings of or connected with the Universities, and for the better Custody and Management of any Libraries and Museums thereto belonging, or of the Contents thereof, and of any Furniture, Apparatus, or Objects acquired or to be acquired for the Use of the University, or of any Class therein: To provide for the due Administration of Revenues and Endowments;

8. To provide, as the Commissioners shall judge expedient, by means of any of the Funds, Property, Rents, Revenues, and Endowments of any University, for the Payment and Extinction To provide for the Extinction of Debt.

tion of any Debts forming a present Burden on such Rents, Revenues, or Endowments respectively:

To fix Date when Act shall come into operation.

9. To provide by special Ordinance, to be approved of by Her Majesty in Council, at what Date, with reference to each of the said Universities, the Provisions of this Act shall come into operation:

Provided always, that until such Ordinance shall be made and approved of each of the said Universities shall be governed and conducted according to the present Law and Practice: Provided also, that all Ordinances and Rules to be made by the Commissioners in virtue of the Powers herein conferred shall be published in the *Edinburgh Gazette* at least One Month before the same shall come into operation.

Powers of Commissioners with respect to University of Aberdeen:

XVI. Without Prejudice to any of the Powers herein-before conferred, the said Commissioners shall, with respect to the University of Aberdeen, possess and exercise, subject to the Provisions of this Act, the following Powers:

To determine Number of Professors, and regulate Course of Study;

1. To determine the Number of Professors, and to prescribe and regulate the Course of Study in the several Faculties of Arts, Divinity, Law, and Medicine: Provided, that in the Faculty of Arts there shall be a Professor of Greek, a Professor of Humanity, a Professor of Logic, a Professor of Mathematics, a Professor of Moral Philosophy, a Professor of Natural Philosophy, and a Professor of Natural History; in the Faculty of Divinity there shall be Professors of Systematic Theology, of Oriental Languages, of Church History, and of Biblical Criticism; in the Faculty of Law a Professor of Law; and in the Faculty of Medicine Professors of the Theory and Practice of Medicine, of Chemistry, of Anatomy, of Surgery, of Materia Medica, of Midwifery, of Medical Jurisprudence, of Botany; and such other Professorships in each of the said Faculties as the said Commissioners shall think to be expedient;

To abolish Offices rendered unnecessary by the Union, &c.;

2. To abolish such Professorships and other Offices within the said University as are rendered unnecessary by the Union of the Two Universities and Colleges, or to conjoin Two or more of such Professorships; and, having regard as far as practicable to the main Design of any existing Gift or Endowment of such Professorships or other Offices, to make such other Arrangements respecting such Professorships and other Offices as may seem expedient; and, having regard as aforesaid, to appropriate the Funds and Revenues belonging or payable to the Holders of such Professorships or other Offices, after the Death, Resignation,

Resignation, or Deprivation of any of the present Incumbents, to any of the Purposes within the said University to which by this Act the Moneys directed to be paid out of the Consolidated Fund of the United Kingdom may be applied;

To accept Resignations, &c.;

3. To accept Resignations of the existing Incumbents of such Professorships as they may think fit to abolish, and to make Arrangements of the Appointment of such Incumbents to other Professorships or other Offices in the said University;

To determine Right of Patronage;

4. To determine in whom for the future shall be vested the Patronage or Right of presenting Professors to each of the Chairs in the said University, having regard as far as possible to the Preservation of the existing Rights of Patronage;

To make Arrangements as to Buildings of united Colleges;

5. To make Arrangements and Regulations as to the Uses and Purposes to which the Buildings of King's College and Marischal College respectively shall be appropriated;

To make all necessary Rules, &c.

6. To make all such Rules and Ordinances as may be necessary for securing good Order and Government, and regulating the Course of Study in the said University:

Provided always, that all Rules and Ordinances to be made by the Commissioners in virtue of the Powers herein conferred shall be published in like Manner as is provided with respect to the Rules and Ordinances to be made in the Exercise of the Powers conferred on them as regards the whole of the said Universities.

Statutes may be altered or revoked.

XVII. During the Subsistence and Exercise of the Powers of the Commissioners, the Powers herein-before conferred on the University Courts shall be exercised in Subordination to and so as not to conflict with the Powers of the Commissioners: But any of the Rules, Statutes, and Ordinances to be framed and passed by the Commissioners as herein-before provided may, at any Time after the Expiration of the Powers herein conferred on the Commissioners, be altered or revoked by the University Court of the University to which the same are applicable, but only with the Consent, expressed in Writing, of the Chancellor thereof, and with the Approval of Her Majesty, signified by an Order in Council.

Queen may issue Instructions during the Subsistence of the Commission.

XVIII. It shall be the Duty of the Commissioners herein appointed to take into their deliberate Consideration any Matters connected with the said Universities to which their Attention may be at any Time called by Instructions issued to them by Her Majesty's Command.

How Parliamentary Grant to be applied.

XIX. *The Commissioners of Her Majesty's Treasury shall be empowered, by Warrant under the Hands of any Three or more of them, to charge the Consolidated Fund of the United Kingdom of*

Great Britain and Ireland (after providing for all preceding Charges, but having Preference of all future Charges), and to direct to be issued or paid thereout, by Four equal Quarterly Payments on the Fifth Day of January, the Fifth Day of April, the Fifth Day of July, and the Tenth Day of October in every Year, such Sums of Money, not exceeding in all the Sum of

in any one Year, as the Commissioners herein appointed shall recommend to be paid for any one or more of the following Purposes; (that is to say,)

1. For providing retiring Allowances to aged and infirm Principals and Professors;
2. For providing additional Teaching by means of Assistants to the Professors in any Professorships already established or to be established;
3. For providing Remuneration to the Examiners appointed in pursuance of this Act;
4. For increasing the Salaries presently attached to existing Professorships and to any other Offices in the University;
5. For the Endowment of new Professorships:

And it is hereby provided that the whole of such Payments shall be subject to whatever Rules, Statutes, and Ordinances the Commissioners herein appointed shall from Time to Time, with the foresaid Approval of Her Majesty, see fit to prescribe in reference thereto.

Treasury may grant Money for Payment of Salaries, Travelling Expenses, &c.

XX. It shall be lawful to the Commissioners of Her Majesty's Treasury to grant from Time to Time, out of any Moneys to be provided by Parliament for that Purpose, such Sums as shall to them appear necessary, for the following Purposes; (that is to say,)

1. For the Salary or other Remuneration of any Clerks or other Officers to be appointed by the Commissioners herein named, with the Consent of the said Commissioners of Her Majesty's Treasury;
2. For the Expense of providing any Office Accommodation for the Use of the Commissioners herein named, and of defraying the Cost of Books, Stationery, Printing, Postages, and other necessary Expenses connected with the same;
3. For defraying the whole reasonable Travelling Expenses which may be incurred by the Commissioners herein named, or by any Clerk or other Officer in their Service, in the Execution of the Powers herein conferred.

Commissioners under this Act specially to regard Reports of Com-

XXI. The Commissioners herein appointed shall in the Exercise of their Powers have special Regard to the Reports presented by the Commissioners acting under the several Commissions for visiting the Universities of Scotland; viz., a Commission issued by His Majesty

King

King George the Fourth on the Twenty-third Day of July One thousand eight hundred and twenty-six, renewed by His Majesty King William the Fourth on the Twelfth Day of October One thousand eight hundred and thirty; a Commission issued by His Majesty King William the Fourth on the Twenty-third Day of November One thousand eight hundred and thirty-six, re-appointed by Her present Majesty on the Second Day of October One thousand eight hundred and thirty-seven; and a Commission issued by Her present Majesty on the Sixteenth Day of April One thousand eight hundred and fifty-seven: And they shall transmit to One of Her Majesty's Principal Secretaries of State, in order to its being laid before Parliament, a Copy of any Rules, Statutes, and Ordinances framed by them, and approved of by Her Majesty, and the Particulars respecting any Payments made or recommended by them to be made by the Commissioners of Her Majesty's Treasury, out of any Moneys directed by this Act to be paid out of the Consolidated Fund of the United Kingdom, and out of any Moneys voted by Parliament for any of the Purposes of this Act; and shall further, if they see Cause, or are required thereto by Her Majesty in Council, report to Parliament respecting any of the other Matters hereby to them committed.

Commissioners for visiting Universities of Scotland, and to report to Parliament.

XXII. The Word "University" shall include College, unless the contrary appears from the Context; the Word "Graduates" shall mean all Persons who have obtained and hold the Degree of Masters of Arts, and no other Persons.

Interpretation.

Universities (Scotland).

A

B I L L

To make Provision for the better Government and Discipline of the Universities of Scotland, and improving and regulating the Course of Study therein; and for the Union of the Two Universities and Colleges of Aberdeen.

(*Prepared and brought in by The Lord Advocate and Mr. Secretary Walpole.*)

Ordered, by The House of Commons, *to be Printed,* 22 *April* 1858.

[Bill 58.]

Under 2 oz.

Universities (Scotland) Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

King's College and Marischal College, Aberdeen, to be united under Title of "University of Aberdeen;" Sect. 1.
Appointment of Chancellors; 2.
University Courts to be constituted; 3.
Powers of Senatus Academicus and Principal; 4.
General Councils of the Universities to be constituted; 5.
General Council of the University of Aberdeen; 6.
St. Andrew's University Court, of whom to consist; 7.
Glasgow University Court; 8.
Aberdeen University Court; 9.
Edinburgh University Court; 10.
Supply of Vacancies in Offices of Rector or Assessor; 11.
Powers of University Courts; 12.
Right of Nomination to Professorships vested in University Courts; 13.
Commissioners appointed; 14.
Powers of Commissioners; 15.
Powers of Commissioners with respect to University of Aberdeen; 16.
Statutes may be altered or revoked; 17.
Queen may issue Instructions during the Subsistence of the Commission; 18.
How Parliamentary Grant to be applied; 19.
Treasury may grant Money for Payment of Salaries, &c.; 20.
Commissioners under this Act specially to regard Reports of Commissioners for visiting Universities of Scotland; 21.
Rules, Statutes, &c., when approved, to be entered in a Book, and signed by the Commissioners; 22.
Forms in which to sue or to be sued; 23.
Saving certain Trusts: 24.

(Scotland.)

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Make Provision for the better Government and Discipline of the Universities of Scotland, and improving and regulating the Course of Study therein; and for the Union of the Two Universities and Colleges of Aberdeen.

Preamble.

WHEREAS it is expedient for the Advancement of Religion and Learning to make Provision for the better Government and Discipline of the Universities in Scotland, viz., the Universities of St. Andrew's, Glasgow, Aberdeen, and Edinburgh, and for improving and regulating the Course of Study therein: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

King's College and Marischal College, Aberdeen, to be united under Title of "University of Aberdeen."

I. That from and after such Date as may be fixed by the Commissioners herein-after appointed by special Ordinance, approved by Her Majesty in Council, the "University and King's College of Aberdeen" and "Marischal College and University of Aberdeen" shall be united and incorporated into One University and College, in all Time coming thereafter, under the Style and Title of the "University

" University of Aberdeen;" and the said united University shall take Rank among the Universities of Scotland as from the Date of Erection of King's College and University, viz., the Year One thousand four hundred and ninety-four, and all the Funds, Properties, and Revenues now pertaining or belonging in any manner of way to the " University and King's College," or to " Marischal College and University," shall in Time coming thereafter pertain and belong to the " University of Aberdeen."

Appointment of Chancellors.

II. The Chancellor of each of the Universities of St. Andrew's, Glasgow, and Aberdeen shall be appointed in the same Manner as at present; and in Time coming there shall be a Chancellor of the University of Edinburgh, to be appointed by Her Majesty: Provided always, that the present Chancellor of the University and King's College of Aberdeen, and the present Chancellor of Marischal College and University of Aberdeen, shall, during their joint Lives, be joint Chancellors of the University of Aberdeen, and the Survivor shall be sole Chancellor during his Survivance, and thereafter a Chancellor shall be appointed in manner herein provided; provided also, that the Chancellor of each of the said Universities shall hold his Office for Life.

University Courts to be constituted.

III. From and after the Date or Dates at which this Act shall come into operation, as herein-after provided, there shall be constituted in each of the said Universities a University Court, which shall consist of the Members and possess and exercise the Powers herein-after enacted, and of which the Rector shall be the ordinary President, with a deliberative and a casting Vote.

Powers of the Senatus Academicus and Principal.

IV. The Senatus Academicus of each of the said Universities shall consist of the Principal or Principals and whole Professors in each University, and shall possess and exercise the Powers heretofore belonging to a Senatus Academicus in so far as the same are not modified or altered by or in pursuance of the Provisions of this Act, and shall superintend and regulate the Teaching and Discipline of the University, and administer its Property and Revenues, subject to the Control and Review of the University Court, as herein-after provided; and the Principal, or the Senior Principal if more than One, shall be the ordinary President of the Senatus Academicus, with a deliberative and a casting Vote; and the Principal shall be bound to undertake and perform such Duties of teaching and lecturing as may be assigned to him by the Commissioners herein-after appointed during the Continuance of their Powers, and thereafter by the University Court.

General Councils of the Univer-

V. There shall be in each University a General Council consisting of the Chancellor, of the Members of the University Court,

of

of the Professors, of all Masters of Arts of the University, of all Doctors of Medicine of the University who shall, at any Time within Three Years from and after the passing of this Act, establish, to the Satisfaction of the Commissioners herein-after appointed, that they have, as Matriculated Students of any Scottish University or Universities, given regular Attendance on the Course of Study in the Faculty of Arts for Three complete Sessions, and also of all Persons who within such Period shall establish to the Satisfaction of the said Commissioners that they have, as Matriculated Students, given regular Attendance on the Course of Study in the Faculty of Arts in the University for Four complete Sessions, or such regular Attendance for Three complete Sessions in the University, and regular Attendance for One such complete Session in any other Scottish University: Provided, That no Person shall be a Member of the General Council until he has attained the Age of Twenty-one Years complete; and the said General Council shall assemble twice every Year, on such Days as may be fixed by the Commissioners herein-after appointed, subject to Alteration thereafter from Time to Time by Resolution of the said Council, with the Approval of the University Court, at the Meetings of which Council the Chancellor, and in his Absence the Rector, whom failing, the Principal or Senior Principal, whom failing, the Senior Professor, shall preside, and shall have a deliberative and also a casting Vote: It shall be competent to such Council to take part in the Election of Office Bearers of the University in manner herein-after provided, and also to take into their Consideration all Questions affecting the Well-being and Prosperity of the University, and to make Representations from Time to Time on such Questions to the University Court, who shall consider the same, and return to the Council their Deliverance thereon.

sities to be constituted.

VI. That the General Council of the University of Aberdeen shall consist of the Members of the University Court, of the Professors, and of all such Graduates and Students, as is herein-above provided in regard to the other Universities, whether they be Graduates and Students of the University and King's College, or of Marischal College and University.

General Council of the University of Aberdeen.

VII. The University Court of the University of Saint Andrew's shall consist of the following Members; viz.,

St. Andrew's.

1. A Rector to be elected by the Members of the General Council of the University, and the Matriculated Students voting in such Manner as shall be determined by the Commissioners herein-after appointed;
2. The Senior Principal;

University Court, of whom to consist.

3. An Assessor to be nominated by the Chancellor;
4. An Assessor to be nominated by the Rector;
5. An Assessor to be elected by the General Council:
6. An Assessor to be elected by the Senatus Academicus:

Four shall be a Quorum; and the Rector and the Assessors shall continue in Office for Four Years; and no Principal or Professor of any University shall be eligible to the Office of Rector or Assessor, except in the Case of the Assessor to be elected by the Senatus Academicus.

Glasgow.

University Court, of whom to consist.

VIII. The University Court of the University of Glasgow shall consist of the following Members; viz.,

1. A Rector to be elected by the Members of the General Council of the University, and the Matriculated Students voting by Nations as at present;
2. The Principal;
3. The Dean of Faculties;
4. An Assessor to be nominated by the Chancellor;
5. An Assessor to be nominated by the Rector;
6. An Assessor to be elected by the General Council of the University;
7. An Assessor to be elected by the Senatus Academicus:

Neither the Rector nor any of the Assessors, with the exception of the Assessor to be elected by the Senatus Academicus, shall be a Principal or Professor of any University. The Rector and the Assessors shall continue in Office for Four Years; and Five Members of the University Court shall be a Quorum. The Office of Vice-Chancellor is hereby abolished; and the Rector and Dean of Faculties shall no longer exercise any Right or Power as ordinary Visitors other than is or may be conferred on them as Members of the University Court.

Aberdeen.

University Court, of whom to consist.

IX. The University Court of the University of Aberdeen shall consist of the following Members; viz.,

1. A Rector, to be elected by the Members of the General Council of the University, and the Matriculated Students, voting according to the present Usage in Marischall College;
2. The Principal;
3. An Assessor to be nominated by the Chancellor;
4. An Assessor to be nominated by the Rector;
5. An Assessor to be elected by the General Council of the University;
6. An Assessor to be elected by the Senatus Academicus:

Four shall be a Quorum. The Rector and the Assessors shall continue

continue in Office for Four Years; and no Principal or Professor of any University shall be eligible to the Office of Rector or Assessor, except in the case of the Assessor to be elected by the Senatus Academicus.

Edinburgh.

University Court, of whom to consist.

X. The University Court of the University of Edinburgh shall consist of the following Members; viz.

1. A Rector, to be elected by the Members of the General Council of the University, and the Matriculated Students, voting in such Manner as shall be determined by the Commissioners;
2. The Principal;
3. An Assessor to be nominated by the Chancellor;
4. and 5. Two Assessors to be nominated by the Lord Provost, Magistrates, and Town Council of Edinburgh;
6. An Assessor to be nominated by the Rector;
7. An Assessor to be elected by the General Council of the University;
8. An Assessor to be elected hy the Senatus Academicus:

And no Principal or Professor of any University shall be eligible to the Office of Rector or Assessor, except in the Case of the Assessor to be elected by the Senatus Academicus: And the Rector and Assessors shall continue in Office for Four Years, and Five Members of the University Court shall be a Quorum.

For Supply of Vacancies in Offices of Rector or Assessor.

XI. In the Case of Vacancies in the Office of Rector or Assessor occurring by Death, Resignation, or supervening Incapacity betwixt the regular Periods for Election, the Vacancies shall be filled up by the same Electors for the Remainder of the Period unexpired.

Powers of University Courts.

XII. The University Court of each University shall, subject to the Provisions of this Act, have the following Powers; viz.,

1. To review all Decisions of the Senatus Academicus, and to be a Court of Appeal from the Senatus in every Case except as herein otherwise provided for:
2. To effect Improvements in the internal Arrangements of the University, after due Communication with the Senatus Academicus, and with the Sanction of the Chancellor:
3. To require due Attention on the Part of the Professors to Regulations as to the Mode of teaching and other Duties imposed on the Professors:
4. To fix and regulate from Time to Time the Fees in the several Classes:
5. Upon sufficient Cause shown, and after due Investigation to censure a Professor or to suspend him from his Office and from the Emoluments thereof in whole or in part for any Period not exceeding One Year, or to require him to retire

from his Office on a retiring Allowance, or to deprive him of his Office; and during the Suspension of any Professor to make due Provision for the teaching of his Class: Provided always, that no such Sentence of Censure, Suspension, or Deprivation, or Requisition on a Professor to retire from Office, shall have any effect until it has been approved by Her Majesty in Council.

6. To inquire into and control the Administration by the Senatus Academicus of the Revenue, Expenditure, and all the pecuniary Concerns of the University, including Funds mortified for Bursaries and other Purposes.

Right of Nomination to Professorships vested in University Courts.

XIII. The Right of Nomination or Presentation to any Professorships within any of the said Universities, in Time past and presently exercised by the Senatus or Faculty thereof, or by One or more of the Professors therein, or by any Member or other Officer thereof, shall be transferred to and in all Time coming be exercised, as regards each University, by the University Court thereof, to be established in Manner herein-before provided.

Commissioners appointed.

XIV. The following Persons; (that is to say,)

shall be Commissioners for the Purposes of this Act, and shall have a Common Seal; and of the said Commissioners shall be a Quorum; and the Commissioners may elect One of their Number to be their permanent Chairman, and the permanent Chairman, or in his absence, One of the Commissioners elected and acting as Chairman at any Meeting, shall have both a deliberative and a casting Vote.

Queen may fill up Vacancy.

If any Vacancy occurs in the Number of the Commissioners by means of Death, Resignation, or Incapacity to act, Her Majesty may fill up such Vacancy, by Warrant under the Sign Manual.

Declaration of Powers of Commissioners.

The Powers hereby conferred on the Commissioners shall be in force until the First Day of January One thousand eight hundred and sixty-two; and it shall be lawful to Her Majesty, by and with the Advice of Her Privy Council, to continue the same until the First Day of January One thousand eight hundred and sixty-three, and no longer.

Powers of Commissioners:

XV. The Commissioners shall possess and exercise the following Powers; viz.,

1. To call before them the respective Principals, Professors, Regents, Masters

Masters, and others bearing Office in the said Universities; viz., the University of St. Andrew's, the University of Glasgow, the University and King's College of Aberdeen, the University of Edinburgh, Marischal College and University of Aberdeen, and to examine them as to all Rules and Ordinances now in force in the said Universities; and to require the Production of all Documents and Accounts relating to any of the said Universities or Colleges: To cite and examine Office Bearers in Universities, and require Production of Documents and Accounts;

2. To revise the respective Foundations, Mortifications, Bursaries, and Donations bestowed on any of the said Universities or Colleges, or for the Benefit of any Professors, Students, or others therein; and further if in the Case of any such Gift or Endowment which has taken effect for more than Fifty Years, and has been held by any of the said Universities or Colleges, or by any other Person in trust for or on behalf of the same or of any Persons therein, it shall appear to the Commissioners that the Interests of Religion and Learning and the main Design of the Donor may be better advanced by an Alteration of the Conditions or Directions affecting such Gift or Endowment, it shall be lawful to the Commissioners to alter or modify such Conditions or Directions, and to frame a new Statute or Ordinance for the Application of such Gift or Endowment, in such Manner as may better advance the Purposes thereof: To revise the Foundations, &c., and to alter Trusts;

3. Subject to the Provisions of this Act, to regulate the Powers, Jurisdictions, and Privileges of Chancellors, Rectors, Assessors, Professors, and all other Members or Office Bearers in the said Universities and Colleges, as also of the Senatus Academicus, the General Council, and the University Court, and their Meetings, as well with respect to the Government, Policy, and Discipline of the University as to the Management and Disposal of the Revenues and Endowments thereof, with Power to abolish unnecessary Offices. To regulate the Powers of Office Bearers;

4. Subject to the Provisions of this Act, to make Regulations as to Time, Place, and Manner of presenting and electing all University Officers: Provided always, that the existing Rights of Nomination or Presentation to any Professorships shall not, except in so far as herein expressly otherwise provided, be thereby affected: To regulate Elections of University Officers.

5. To make Rules for the Management and Ordering of the said Universities, the Manner and Conditions in and under which Students shall be admitted thereto, the Course of Study, and Manner of teaching therein, the Amount and Exaction of Fees, the Manner of Examination, with the Qualifications, Appointment, and Number of Examiners, and the Amount To regulate Course of Study, Exaction of Fees, &c.;

and Manner of their Remuneration, the granting of Degrees, whether in Arts, Divinity, Law, or Medicine, and to provide that, in so far as shall be practicable, and in the Opinion of the Commissioners conducive to the Well-being of the Universities, and to the Advancement of Learning, the Course of Study, the Manner of Examination, and the Conditions under which Degrees are to be conferred, shall be uniform in all the Universities of Scotland:

To found Professorships and provide for Assistants.

6. To found new Professorships where they are required, and to provide for the Appointment of Assistants to such Professors as from the Nature and Duties of their Professorships require Assistance, and to provide for the Remuneration of such Assistants, and to provide by whom the Right of presenting or appointing such new Professors and Assistants shall be exercised:

To provide for the due Administration of Revenues and Endowments;

7. To make such Provision as the Commissioners shall see fit, as well for the due Preservation, Administration, and Disposal of the whole Property, Funds, Rents, Revenues, and Endowments as for the Preservation and Maintenance of all the Fabrics and Buildings of or connected with the Universities, and for the better Custody and Management of any Libraries and Museums thereto belonging, or of the Contents thereof, and of any Furniture, Apparatus, or Objects acquired or to be acquired for the Use of the University, or of any Class therein:

To provide for the Extinction of Debt.

8. To provide, as the Commissioners shall judge expedient, by means of any of the Funds, Property, Rents, Revenues, and Endowments of any University, for the Payment and Extinction of any Debts forming a present Burden on such Rents, Revenues, or Endowments respectively:

To fix Date when Act shall come into operation.

9. To provide by special Ordinance, at what Date, with reference to each of the said Universities, the Provisions of this Act shall come into operation:

Provided always, that all Rules, Statutes, and Ordinances to be made by the Commissioners shall be published in the Edinburgh Gazette for Four consecutive Weeks, and shall be at the same Time laid before both Houses of Parliament, if Parliament be sitting, or if not, then within Three Weeks after the Commencement of the next ensuing Session of Parliament, and shall thereafter be submitted for the Approval of Her Majesty in Council; and no such Rule, Statute, or Ordinance shall be effectual until it shall have been so published, laid before Parliament, and approved: Provided also, that each of the said Universities shall be governed and conducted according to the existing Law and Practice until the Commissioners shall have made and published, with reference to such University, an Ordinance providing at what Date this Act shall come into operation,

tion, and such Ordinance shall have been approved of by Her Majesty as herein-before provided.

XVI. Without Prejudice to any of the Powers herein-before conferred, the said Commissioners shall, with respect to the University of Aberdeen, possess and exercise, subject to the Provisions of this Act, the following Powers:

Powers of Commissioners with respect to University of Aberdeen:

1. To determine the Number of Professors, and to prescribe and regulate the Course of Study in the several Faculties of Arts, Divinity, Law, and Medicine: Provided, that in the Faculty of Arts there shall be a Professor of Greek, a Professor of Humanity, a Professor of Logic, a Professor of Mathematics, a Professor of Moral Philosophy, a Professor of Natural Philosophy, and a Professor of Natural History; in the Faculty of Divinity there shall be Professors of Systematic Theology, of Oriental Languages, of Church History, and of Biblical Criticism; in the Faculty of Law a Professor of Law; and in the Faculty of Medicine Professors of the Institutes of Medicine, of the Practice of Medicine, of Chemistry, of Anatomy, of Surgery, of Materia Medica, of Midwifery, of Medical Jurisprudence, of Botany; and such other Professorships in each of the said Faculties as the said Commissioners shall think to be expedient;

To determine Number of Professors, and regulate Course of Study;

2. To abolish such Professorships and other Offices within the said University as are rendered unnecessary by the Union of the Two Universities and Colleges, or to conjoin Two or more of such Professorships; and, having regard as far as practicable to the main Design of any existing Gift or Endowment of such Professorships or other Offices, to make such other Arrangements respecting such Professorships and other Offices as may seem expedient; and, having regard as aforesaid, to appropriate the Funds and Revenues belonging or payable to the Holders of such Professorships or other Offices, after the Death, Resignation, or Deprivation of any of the present Incumbents, to any of the Purposes within the said University to which by this Act *the Moneys directed to be paid out of the Consolidated Fund of the United Kingdom may be applied;*

To abolish Offices rendered unnecessary by the Union, &c.;

3. To accept Resignations of the existing Incumbents of such Professorships as they may think fit to abolish, and to make Arrangements for giving reasonable Compensation to such Persons for Loss of Emoluments by such Resignation, or for the Appointment of such Incumbents to other Professorships or other Offices in the said University;

To accept Resignations, &c.;

4. To determine in whom for the future shall be vested the Patronage or Right of presenting Professors to each of the Chairs

To determine Right of Patronage;

Chairs in the said University, having regard as far as possible to the Preservation of the existing Rights of Patronage;

To make Arrangements as to Buildings of united Colleges;

5. To make Arrangements and Regulations as to the Uses and Purposes to which the Buildings of King's College and Marischal College respectively shall be appropriated;

To make all necessary Rules, &c.

6. To make all such Rules and Ordinances as may be necessary for securing good Order and Government, and regulating the Course of Study in the said University:

Provided always, that all Rules, Statutes, and Ordinances to be made by the Commissioners in virtue of the Powers herein conferred shall be published, laid before Parliament, and approved, in like Manner as is provided with respect to the Rules and Ordinances to be made in the Exercise of the Powers conferred on them as regards the whole of the said Universities.

Statutes may be altered or revoked.

XVII. During the Subsistence and Exercise of the Powers of the Commissioners, the Powers herein-before conferred on the University Courts shall be exercised in Subordination to and so as not to conflict with the Powers of the Commissioners: But any of the Rules, Statutes, and Ordinances to be framed and passed by the Commissioners as herein-before provided may, at any Time after the Expiration of the Powers herein conferred on the Commissioners, be altered or revoked by the University Court of the University to which the same are applicable, but only with the Consent, expressed in Writing, of the Chancellor thereof, and with the Approval of Her Majesty, in Council.

Queen may issue Instructions during the Subsistence of the Commission.

XVIII. It shall be the Duty of the Commissioners herein appointed to take into their deliberate Consideration any Matters connected with the said Universities to which their Attention may be at any Time called by Instructions issued to them by Her Majesty's Command.

How Parliamentary Grant to be applied.

XIX. *The Commissioners of Her Majesty's Treasury shall be empowered by Warrant to charge the Consolidated Fund of the United Kingdom of Great Britain and Ireland (after providing for all preceding Charges, but having Preference of all future Charges), and to direct to be issued or paid thereout, by Four equal Quarterly Payments on the Fifth Day of January, the Fifth Day of April, the Fifth Day of July, and the Tenth Day of October in every Year, such Sums of Money, not exceeding in all the Sum of*

in any One Year, as the Commissioners herein appointed shall recommend to be paid for any one or more of the following Purposes; (that is to say,)

1. For providing retiring Allowances to aged and infirm Principals and Professors;

2. For

2. For providing additional Teaching by means of Assistants to the Professors in any Professorships already established or to be established;

3. For providing Remuneration to the Examiners appointed in pursuance of this Act;

4. For increasing the Salaries presently attached to existing Professorships and to any other Offices in the University;

5. For the Endowment of new Professorships:

And it is hereby provided that the whole of such Payments shall be subject to whatever Rules, Statutes, and Ordinances the Commissioners herein appointed shall from Time to Time, see fit to prescribe in reference thereto: Provided always, that all Rules, Statutes, and Ordinances providing for or affecting the Application or Distribution of such Sums of Money shall be laid before both Houses of Parliament, if Parliament be sitting, or if not then within Three Weeks after the Commencement of the next ensuing Session of Parliament, and shall thereafter be submitted for the Approval of Her Majesty in Council; and no such Rule, Statute, or Ordinance shall be effectual until it has been so laid before Parliament and approved of by Her Majesty.

Treasury may grant Money for Payment of Salaries, Travelling Expenses, &c.

XX. It shall be lawful to the Commissioners of Her Majesty's Treasury to grant from Time to Time, out of any Moneys to be provided by Parliament for that Purpose, such Sums as shall to them appear necessary, for the following Purposes; (that is to say,)

1. For the Salary or other Remuneration of any Clerks or other Officers to be appointed by the Commissioners herein named, with the Consent of the said Commissioners of Her Majesty's Treasury;

2. For the Expense of providing any Office Accommodation for the Use of the Commissioners herein named, and of defraying the Cost of Books, Stationery, Printing, Postages, and other necessary Expenses connected with the same;

3. For defraying the whole reasonable Travelling Expenses which may be incurred by the Commissioners herein named, or by any Clerk or other Officer in their Service, in the Execution of the Powers herein conferred.

Commissioners under this Act specially to regard Reports of Commissioners for visiting Universities of Scotland,

XXI. The Commissioners herein appointed shall in the Exercise of their Powers have special Regard to the Reports presented by the Commissioners acting under the several Commissions for visiting the Universities of Scotland; viz., a Commission issued by His Majesty King George the Fourth on the Twenty-third Day of July One thousand eight hundred and twenty-six, renewed by His Majesty

and to report to Parliament.

King William the Fourth on the Twelfth Day of October One thousand eight hundred and thirty; a Commission issued by His Majesty King William the Fourth on the Twenty-third Day of November One thousand eight hundred and thirty-six, re-appointed by Her present Majesty on the Second Day of October One thousand eight hundred and thirty-seven; and a Commission issued by Her present Majesty on the Sixteenth Day of April One thousand eight hundred and fifty-seven.

Rules, Statutes, &c., when approved, to be entered in a Book, and signed by the Commissioners.

XXII. All Rules, Statutes, and Ordinances to be made by the Commissioners shall, when approved by Her Majesty as herein-before provided, be inserted in a Book or Books to be signed by the Commissioners or their Quorum, and such Book or Books shall, on the Expiration of the Powers of the Commissioners, be lodged with Her Majesty's Clerk Register for Scotland, and shall be preserved among the Public Records, and a Duplicate shall be sent to each of the said Universities of the Rules, Statutes, and Ordinances applicable thereto, and such Rules, Statutes, and Ordinances shall be observed until the same be altered in manner herein-before provided.

Forms in which to sue or to be sued.

XXIII. The said Universities may sue and be sued under the Style and Title of "The University of St. Andrew's," "The University of Glasgow," "The University of Aberdeen," and "The University of Edinburgh," respectively.

Saving certain Trusts.

XXIV. That nothing in this Act contained shall be construed to affect any Trusts now vested in and administered by the Senatus Academicus of any University or College, or in the Principal and Professors, or any of them, for Purposes unconnected with such University or College; and any such Trusts as are now held and administered by the Senatus Academicus, or the Principal and Professors of the University and King's College of Aberdeen, or of Marischal College and University, for Purposes unconnected with such Universities and Colleges, shall from and after the Date at which this Act shall come into operation, as regards the University of Aberdeen, be vested in and administered by the Senatus Academicus of the University of Aberdeen.

Universities (Scotland).

A

BILL

[AS AMENDED IN COMMITTEE]

To make Provision for the better Government and Discipline of the Universities of Scotland, and improving and regulating the Course of Study therein; and for the Union of the Two Universities and Colleges of Aberdeen.

(Prepared and brought in by The Lord Advocate and Mr. Secretary Walpole.)

Ordered, by The House of Commons, *to be Printed,* 11 *June* 1858.

[Bill 126.]

Under 2 oz.

Universities (Scotland) Bill.

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT.]

ARRANGEMENT OF CLAUSES.

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Appointment of Chancellors; 2.
University Courts to be constituted; 3.
Powers of Senatus Academicus and Principal; 4.
General Councils of the Universities to be constituted; 5.
General Council of the University of Aberdeen; 6.
St. Andrew's University Court, of whom to consist; 7.
Glasgow University Court; 8.
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Edinburgh University Court; 10.
Powers of University Courts; 11.
Right of Nomination to Professorships vested in University Courts; 12.
Commissioners appointed; 13.
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Powers of Commissioners with respect to University of Aberdeen; 15.
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Queen may issue Instructions during the Subsistence of the Commission; 17.
How Parliamentary Grant to be applied; 18.
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Commissioners under this Act specially to regard Reports of Commissioners for visiting Universities of Scotland; 20.
Rules, Statutes, &c., when approved, to be entered in a Book, and signed by the Commissioners; 21.
Forms in which to sue or to be sued; 22.
Saving certain Trusts; 23.

(Scotland.)

A

B I L L

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

TO

Make Provision for the better Government and Discipline of the Universities of Scotland, and improving and regulating the Course of Study therein; and for the Union of the Two Universities and Colleges of Aberdeen.

Preamble.

WHEREAS it is expedient for the Advancement of Religion and Learning to make Provision for the better Government and Discipline of the Universities in Scotland, viz., the Universities of St. Andrew's, Glasgow, Aberdeen, and Edinburgh, and for improving and regulating the Course of Study therein: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

King's College and Marischal College, Aberdeen, to be united under Title of "University of Aberdeen."

I. That from and after such Date as may be fixed by the Commissioners herein-after appointed by special Ordinance, approved by Her Majesty in Council, the "University and King's College of Aberdeen" and "Marischal College and University of Aberdeen" shall be united and incorporated into One University and College, in all Time coming thereafter, under the Style and Title of the "University

"University of Aberdeen;" and the said united University shall take Rank among the Universities of Scotland as from the Date of Erection of King's College and University, viz., the Year One thousand four hundred and ninety-four, and all the Funds, Properties, and Revenues now pertaining or belonging in any manner of way to the "University and King's College," or to "Marischal College and University," shall in Time coming thereafter pertain and belong to the "University of Aberdeen."

Appointment of Chancellors.

II. The Chancellor of each of the Universities of St. Andrew's, Glasgow, and Aberdeen shall be elected by the General Council herein-after mentioned; and in Time coming there shall be a Chancellor of the University of Edinburgh, to be elected in like Manner: Provided always, that the present Chancellor of the University and King's College of Aberdeen, and the present Chancellor of Marischal College and University of Aberdeen, shall, during their joint Lives, be joint Chancellors of the University of Aberdeen, and the Survivor shall be sole Chancellor during his Survivance, and thereafter a Chancellor shall be appointed in manner herein provided; provided also, that the Chancellor of each of the said Universities shall hold his Office for Life.

University Courts to be constituted.

III. From and after the Date or Dates at which this Act shall come into operation, as herein-after provided, there shall be constituted in each of the said Universities a University Court, which shall consist of the Members and possess and exercise the Powers herein-after enacted, and of which the Rector shall be the ordinary President, with a deliberative and a casting Vote.

Powers of the Senatus Academicus and Principal.

IV. The Senatus Academicus of each of the said Universities shall consist of the Principal or Principals and whole Professors in each University, and shall possess and exercise the Powers heretofore belonging to a Senatus Academicus in so far as the same are not modified or altered by or in pursuance of the Provisions of this Act, and shall superintend and regulate the Teaching and Discipline of the University, and administer its Property and Revenues, subject to the Control and Review of the University Court, as herein-after provided; One Third of the Senatus shall be a Quorum; and the Principal, or the Senior Principal if more than One, shall be the ordinary President of the Senatus Academicus, with a deliberative and a casting Vote; and the Principal shall be bound to undertake and perform such Duties of teaching and lecturing as may be assigned to him by the Commissioners herein-after appointed during the Continuance of their Powers, and thereafter by the University Court.

General Councils of the Univer-

V. There shall be in each University a General Council consisting of the Chancellor, of the Members of the University Court, from

from and after their First Election, of the Professors, of all Masters of Arts of the University, of all Doctors of Medicine of the University who shall have, as Matriculated Students of the University, given regular Attendance on Classes in any of the Faculties in the University during Four complete Sessions, and also of all Persons who within Three Years from and after the passing of this Act shall establish to the Satisfaction of the Commissioners herein-after appointed that they have, as Matriculated Students, given regular Attendance on the Course of Study in the University for Four complete Sessions, or such regular Attendance for Three complete Sessions in the University, and regular Attendance for One such complete Session in any other Scottish University, the Attendance for at least Two of such Sessions having been on the Course of Study in the Faculty of Arts: Provided, that no Person shall be a Member of the General Council until he has attained the Age of Twenty-one Years complete, and has his Name registered in a Book to be kept for the Purpose by each University, which shall be done on Payment of such annual Fee as shall be fixed by the said Commissioners; and provided also, that no Person shall be a Member of the General Council while he is a Student enrolled in any Class of the University; and the said General Council shall assemble twice every Year, on such Days as may be fixed by the Commissioners herein-after appointed, subject to Alteration thereafter from Time to Time by Resolution of the said Council, with the Approval of the University Court, at the Meetings of which Council the Chancellor, and in his Absence the Rector, whom failing, the Principal or Senior Principal, whom failing, the Senior Professor, shall preside, and shall have a deliberative and also a casting Vote: It shall be competent to such Council to take part in the Election of Office Bearers of the University in manner herein-after provided, and also to take into their Consideration all Questions affecting the Well-being and Prosperity of the University, and to make Representations from Time to Time on such Questions to the University Court, who shall consider the same, and return to the Council their Deliverance thereon.

sities to be constituted.

VI. That the General Council of the University of Aberdeen shall consist of the Chancellors or Chancellor of the Members of the University Court, of the Professors, and of all such Graduates and Students, as is herein-above provided in regard to the other Universities, whether they be Graduates and Students of the University and King's College, or of Marischal College and University.

General Council of the University of Aberdeen.

VII. The University Court of the University of Saint Andrew's shall consist of the following Members; viz.,

1. A Rector to be elected by the Matriculated Students voting in such Manner as shall be determined by the Commissioners herein-after appointed;

St. Andrew's. University Court, of whom to consist.

2. The Senior Principal;
3. An Assessor to be nominated by the Chancellor;
4. An Assessor to be nominated by the Rector;
5. An Assessor to be elected by the General Council:
6. An Assessor to be elected by the Senatus Academicus:

Four shall be a Quorum; and the Rector and the Assessor nominated by him shall continue in Office for Three Years, and the other Assessors shall continue in Office for Four Years; and no Principal or Professor of any University shall be eligible to the Office of Rector or Assessor, except in the Case of the Assessor to be elected by the Senatus Academicus.

Glasgow.

University Court, of whom to consist.

VIII. The University Court of the University of Glasgow shall consist of the following Members; viz.,

1. A Rector to be elected by the Matriculated Students voting by Nations as at present, subject to any Re-distribution of Nations or other Regulations to be made by the Commissioners;
2. The Principal;
3. The Dean of Faculties;
4. An Assessor to be nominated by the Chancellor;
5. An Assessor to be nominated by the Rector;
6. An Assessor to be elected by the General Council of the University;
7. An Assessor to be elected by the Senatus Academicus:

Neither the Rector nor any of the Assessors, with the exception of the Assessor to be elected by the Senatus Academicus, shall be a Principal or Professor of any University. The Rector and the Assessor nominated by him shall continue in Office for Three Years, and the other Assessors shall continue in Office for Four Years; and Five Members of the University Court shall be a Quorum. The Office of Vice-Chancellor is hereby abolished; and the Rector and Dean of Faculties and Minister of Glasgow shall no longer exercise any Right or Power as ordinary Visitors of the College of Glasgow other than is or may be conferred on any of them as Members of the University Court.

Aberdeen.

University Court, of whom to consist.

IX. The University Court of the University of Aberdeen shall consist of the following Members; viz.,

1. A Rector to be elected by the Matriculated Students, voting according to the present Usage in Marischall College, but subject to any Regulations as to Voting to be made by the Commissioners;
2. The Principal;
3. An Assessor to be nominated by the Chancellor;
4. An Assessor to be nominated by the Rector;

5. An

5. An Assessor to be elected by the General Council of the University;
6. An Assessor to be elected by the Senatus Academicus:

Four shall be a Quorum. The Rector and the Assessor nominated by him shall continue in Office Three Years, and the other Assessors shall continue in Office for Four Years; and no Principal or Professor of any University shall be eligible to the Office of Rector or Assessor, except in the case of the Assessor to be elected by the Senatus Academicus.

Edinburgh.

University Court, of whom to consist.

X. The University Court of the University of Edinburgh shall consist of the following Members; viz.

1. A Rector to be elected by the Matriculated Students, voting in such Manner as shall be determined by the Commissioners;
2. The Principal;
3. An Assessor to be nominated by the Chancellor;
4. and 5. Two Assessors to be nominated by the Lord Provost, Magistrates, and Town Council of Edinburgh, of whom the Lord Provost shall be One;
6. An Assessor to be nominated by the Rector;
7. An Assessor to be elected by the General Council of the University;
8. An Assessor to be elected by the Senatus Academicus:

And no Principal or Professor of any University shall be eligible to the Office of Rector or Assessor, except in the Case of the Assessor to be elected by the Senatus Academicus: And the Rector and the Assessor nominated by him shall continue in Office Three Years, and the other Assessors shall continue in Office for Four Years, and Five Members of the University Court shall be a Quorum.

Powers of University Courts.

XI. The University Court of each University shall, subject to the Provisions of this Act, have the following Powers; viz.,

1. To review all Decisions of the Senatus Academicus, and to be a Court of Appeal from the Senatus in every Case except as herein otherwise provided for:
2. To effect Improvements in the internal Arrangements of the University, after due Communication with the Senatus Academicus, and with the Sanction of the Chancellor; provided that all such proposed Improvements shall be submitted to the University Council for their Consideration:
3. To require due Attention on the Part of the Professors to Regulations as to the Mode of teaching and other Duties imposed on the Professors:
4. To fix and regulate from Time to Time the Fees in the several Classes:

5. Upon sufficient Cause shown, and after due Investigation to censure a Principal or Professor or to suspend him from his Office and from the Emoluments thereof in whole or in part for any Period not exceeding One Year, or to require him to retire from his Office on a retiring Allowance, or to deprive him of his Office; and during the Suspension of any Professor to make due Provision for the teaching of his Class: Provided always, that no such Sentence of Censure, Suspension, or Deprivation, or Requisition on a Professor to retire from Office, shall have any effect until it has been approved by Her Majesty in Council.

6. To inquire into and control the Administration by the Senatus Academicus or Principal and Professors of any College of the Revenue, Expenditure, and all the pecuniary Concerns of the University and of any College therein, including Funds mortified for Bursaries and other Purposes.

Right of Nomination to Professorships vested in University Courts.

XII. The Right of Nomination or Presentation to any Professorships within any of the said Universities, in Time past and presently exercised by the Senatus or Faculty thereof, or by One or more of the Professors therein, or by any Member or other Officer thereof, shall be transferred to and in all Time coming be exercised, as regards each University, by the University Court thereof, to be established in manner herein-before provided; and the Right of Nomination or Presentation to the Office of Principal and to all Professorships in the University of Edinburgh, in Times past and presently exercised by the Town Council of Edinburgh, or by One or more of the Members thereof, either by themselves or conjointly with others, shall be transferred to, and in all Time coming be exercised by, Seven Curators to be nominated as follows; within Two Months from and after the Date at which this Act shall come into Operation as herein-after provided the Town Council shall nominate Four Curators, and the University Court of the said University shall nominate the remaining Three Curators, and the Curators shall continue in Office for Three Years; and in the event of Vacancies in the Office of Curator occurring from Death, Resignation, or any other Cause, the Vacancies shall, as respects the Four Nominations made by the Town Council, be filled up by the Town Council, and shall, as respects the other Nominations, be filled up by the University Court for the remainder of the Period unexpired.

Commissioners appointed.

XIII. The following Persons; (that is to say,) his Grace John George Douglas Campbell Duke of Argyll, the Right Hon. George Hamilton Gordon Earl of Aberdeen, the Right Hon. William David Murray Earl of Mansfield, the Right Hon. Duncan McNeill Lord Justice

Justice General and Lord President of the Court of Session, Sir William Gibson Craig, of Riccarton, Baronet, John Inglis Esquire, Lord Advocate for Scotland, James Craufurd Esquire, One of the Senators of the College of Justice, William Stirling Esquire, of Keir, James Moncrieff Esquire, Alexander Hastie Esquire, shall be Commissioners for the Purposes of this Act, and shall have a Common Seal; and Four of the said Commissioners shall be a Quorum; and the Commissioners may elect One of their Number to be their permanent Chairman, and the permanent Chairman, or in his absence, One of the Commissioners elected and acting as Chairman at any Meeting, shall have both a deliberative and a casting Vote. If any Vacancy occurs in the Number of the Commissioners by means of Death, Resignation, or Incapacity to act, Her Majesty may fill up such Vacancy, by Warrant under the Sign Manual. The Powers hereby conferred on the Commissioners shall be in force until the First Day of January One thousand eight hundred and sixty-two; and it shall be lawful to Her Majesty, by and with the Advice of Her Privy Council, to continue the same until the First Day of January One thousand eight hundred and sixty-three, and no longer.

Queen may fill up Vacancy.

Declaration of Powers of Commissioners.

XIV. The Commissioners shall possess and exercise the following Powers; viz.,

Powers of Commissioners:

1. To call before them the respective Principals, Professors, Regents, Masters, and others bearing Office in the said Universities and the Colleges therein respectively; viz., the University of St. Andrew's, the University of Glasgow, the University and King's College of Aberdeen, the University of Edinburgh, Marischal College and University of Aberdeen, and to examine them as to all Rules and Ordinances now in force in the said Universities; and to require the Production of all Documents and Accounts relating to any of the said Universities or Colleges:

To cite and examine Office Bearers in Universities, and require Production of Documents and Accounts;

2. To revise the respective Foundations, Mortifications, Bursaries, and Donations bestowed on any of the said Universities or Colleges, or for the Benefit of any Professors, Students, or others therein; and further if in the Case of any such Gift or Endowment which has taken effect for more than Fifty Years, and has been held by any of the said Universities or Colleges, or by any other Person in trust for or on behalf of the same or of any Persons therein, it shall appear to the Commissioners that the Interests of Religion and Learning and the main Design of the Donor so far as is consistent with the Promotion of such Interests may be better advanced by an Alteration of the Conditions or Directions affecting such Gift or Endowment, it shall be lawful to the Commissioners to alter or modify such

To revise the Foundations, &c., and to alter Trusts;

Conditions or Directions, and to frame a new Statute or Ordinance for the Application of such Gift or Endowment, in such Manner as may better advance the Purposes thereof:

To regulate the Powers of Office Bearers;

3. Subject to the Provisions of this Act, to regulate by Ordinance the Powers, Jurisdictions, and Privileges of Chancellors, Rectors, Assessors, Professors, and all other Members or Office Bearers in the said Universities and Colleges, as also of the Senatus Academicus, the General Council, and the University Court, and their Meetings, as well with respect to the Government, Policy, and Discipline of the University as to the Management and Disposal of the Revenues and Endowments thereof, with Power to abolish unnecessary Offices.

To regulate Elections of University Officers.

4. Subject to the Provisions of this Act, to make Regulations as to Time, Place, and Manner of presenting and electing all University Officers: Provided always, that the existing Rights of Nomination or Presentation to any Professorships shall not, except in so far as herein expressly otherwise provided, be thereby affected:

To regulate Course of Study, Exaction of Fees, &c.;

5. To make Rules for the Management and Ordering of the said Universities, the Manner and Conditions in and under which Students shall be admitted thereto, the Course of Study, and Manner of teaching therein, the Amount and Exaction of Fees, the Manner of Examination, with the Qualifications, Appointment, and Number of Examiners, and the Amount and Manner of their Remuneration, the granting of Degrees, whether in Arts, Divinity, Law, or Medicine, and to provide that, in so far as shall be practicable, and in the Opinion of the Commissioners conducive to the Well-being of the Universities, and to the Advancement of Learning, the Course of Study, the Manner of Examination, and the Conditions under which Degrees are to be conferred, shall be uniform in all the Universities of Scotland:

To found Professorships and provide for Assistants.

6. To make Ordinances in order to found new Professorships where they are required, and to provide for the Appointment of Assistants to such Professors as from the Nature and Duties of their Professorships require Assistance, and to provide for the Remuneration of such Assistants, and to provide by whom the Right of presenting or appointing such new Professors and Assistants shall be exercised:

To provide for the due Administration of Revenues and Endowments;

7. To make such Provision by Ordinance as the Commissioners shall see fit, as well for the due Preservation, Administration, and Disposal of the whole Property, Funds, Rents, Revenues, and Endowments as for the Preservation and Maintenance of all the Fabrics and Buildings of or connected with the Universities and Colleges, and for the better Custody and Management,

Management of any Libraries and Museums thereto belonging, or of the Contents thereof, and of any Furniture, Apparatus, or Objects acquired or to be acquired for the Use of the University, or of any Class therein:

8. To provide by Ordinance, as the Commissioners shall judge expedient, by means of any of the Funds, Property, Rents, Revenues, and Endowments of any University or College, for the Payment and Extinction of any Debts forming a present Burden on such Rents, Revenues, or Endowments respectively: To provide for the Extinction of Debt.

9. To provide by special Ordinance, at what Date, with reference to each of the said Universities, the Provisions of this Act shall come into operation: To fix Date when Act shall come into operation.

Provided always, that all Rules, Statutes, and Ordinances to be made by the Commissioners shall be published in the Edinburgh Gazette for Four consecutive Weeks, and shall be at the same Time laid before both Houses of Parliament, if Parliament be sitting, or if not, then within Three Weeks after the Commencement of the next ensuing Session of Parliament, and shall thereafter be submitted for the Approval of Her Majesty in Council; and no such Rule, Statute, or Ordinance shall be effectual until it shall have been so published, laid before Parliament, and approved: Provided also, that each of the said Universities shall be governed and conducted according to the existing Law and Practice until the Commissioners shall have made and published, with reference to such University, an Ordinance providing at what Date this Act shall come into operation, and such Ordinance shall have been approved of by Her Majesty as herein-before provided.

XV. Without Prejudice to any of the Powers herein-before conferred, the said Commissioners shall, with respect to the University of Aberdeen, possess and exercise, subject to the Provisions of this Act, the following Powers: Powers of Commissioners with respect to University of Aberdeen:

1. To make Ordinances in order to determine the Number of Professors, and to prescribe and regulate the Course of Study in the several Faculties of Arts, Divinity, Law, and Medicine: Provided, that in the Faculty of Arts there shall be a Professor of Greek, a Professor of Humanity, a Professor of Logic, a Professor of Mathematics, a Professor of Moral Philosophy, a Professor of Natural Philosophy, and a Professor of Natural History; or, in the Discretion of the Commissioners, Two Professors in any One or more of such Branches of Instruction in the Faculty of Arts, if it shall appear to be necessary or expedient, with Power to the said Commissioners to determine where the Classes of each of the said Professors shall assemble; in the Faculty of Divinity there shall be Professors To determine Number of Professors, and regulate Course of Study;

of Systematic Theology, of Oriental Languages, of Church History, and of Biblical Criticism; in the Faculty of Law a Professor of Law; and in the Faculty of Medicine Professors of the Institutes of Medicine, of the Practice of Medicine, of Chemistry, of Anatomy, of Surgery, of Materia Medica, of Midwifery, of Medical Jurisprudence, of Botany; and such other Professorships in each of the said Faculties as the said Commissioners shall think to be expedient;

To abolish Offices rendered unnecessary by the Union, &c.;

2. To make Ordinances in order to abolish such Professorships and other Offices within the said University as are rendered unnecessary by the Union of the Two Universities and Colleges, or to conjoin Two or more of such Professorships, making full Compensation to the Holders of such Offices for all Loss of Emoluments consequent on such Abolition or Conjunction of Offices; and, having regard as far as practicable to the main Design of any existing Gift or Endowment of such Professorships or other Offices, to make such other Arrangements respecting such Professorships and other Offices as may seem expedient; and, having regard as aforesaid, to appropriate the Funds and Revenues belonging or payable to the Holders of such Professorships or other Offices, after the Death, Resignation, or Deprivation of any of the present Incumbents, to any of the following Purposes within the said University; (that is to say,)

1. For providing Retiring Allowances to aged and infirm Principals and Professors:

2. For providing additional teaching by Means of Assistants to the Professors in any Professorships already established or to be established:

3. For providing Remuneration to the Examiners appointed in pursuance of this Act:

4. For increasing the Salaries presently attached to such Professorships, and any other Offices in the University:

5. For the Endowment of new Professorships.

To accept Resignations, &c.;

3. To accept Resignations of the existing Incumbents of such Professorships as they may think fit to abolish, and to make Arrangements for giving reasonable Compensation to such Persons for Loss of Emoluments by such Resignation, or for the Appointment of such Incumbents to other Professorships or other Offices in the said University;

To determine Right of Patronage;

4. To make Ordinances in order to determine in whom for the future shall be vested the Patronage or Right of presenting Professors to each of the Chairs in the said University, having regard as far as possible to the Preservation of the existing Rights of Patronage;

5. To

5. To make Arrangements and Regulations as to the Uses and Purposes to which the Buildings of King's College and Marischal College respectively shall be appropriated; To make Arrangements as to Buildings of united Colleges;

6. To make all such Rules and Ordinances as may be necessary for securing good Order and Government, and regulating the Course of Study in the said University: To make all necessary Rules, &c.

Provided always, that all Rules, Statutes, and Ordinances to be made by the Commissioners in virtue of the Powers herein conferred shall be published, laid before Parliament, and approved, in like Manner as is provided with respect to the Rules and Ordinances to be made in the Exercise of the Powers conferred on them as regards the whole of the said Universities.

XVI. During the Subsistence and Exercise of the Powers of the Commissioners, the Powers herein-before conferred on the University Courts shall be exercised in Subordination to and so as not to conflict with the Powers of the Commissioners: But any of the Rules, Statutes, and Ordinances to be framed and passed by the Commissioners as herein-before provided may, at any Time after the Expiration of the Powers herein conferred on the Commissioners, be altered or revoked by the University Court of the University to which the same are applicable, but only with the Consent, expressed in Writing, of the Chancellor thereof, and with the Approval of Her Majesty, in Council. Statutes may be altered or revoked.

XVII. It shall be the Duty of the Commissioners herein appointed to take into their deliberate Consideration any Matters connected with the said Universities to which their Attention may be at any Time called by Instructions issued to them by Her Majesty's Command. Queen may issue Instructions during the Subsistence of the Commission.

XVIII. The Commissioners of Her Majesty's Treasury shall be empowered to pay out of such Monies as may be provided by Parliament for the Purpose, by Four equal Quarterly Payments, on the Fifth Day of January, the Fifth Day of April, the Fifth Day of July, and the Tenth Day of October in every Year, such Sums of Money as the Commissioners herein appointed shall recommend to be paid for any One or more of the following Purposes; (that is to say,) How Parliamentary Grant to be applied.

1. For providing retiring Allowances to aged and infirm Principals and Professors;
2. For providing additional Teaching by means of Assistants to the Professors in any Professorships already established or to be established;
3. For providing Remuneration to the Examiners appointed in pursuance of this Act;
4. For increasing the Salaries presently attached to existing Professorships and to any other Offices in the University;
5. For the Endowment of new Professorships:

And it is hereby provided that the whole of such Payments shall be subject to whatever Rules, Statutes, and Ordinances the Commissioners herein appointed shall from Time to Time, see fit to prescribe in reference thereto: Provided always, that all Rules, Statutes, and Ordinances providing for or affecting the Application or Distribution of such Sums of Money shall be laid before both Houses of Parliament, if Parliament be sitting, or if not then within Three Weeks after the Commencement of the next ensuing Session of Parliament, and shall thereafter be submitted for the Approval of Her Majesty in Council; and no such Rule, Statute, or Ordinance shall be effectual until it has been so laid before Parliament and approved of by Her Majesty.

Treasury may grant Money for Payment of Salaries, Travelling Expenses, &c.

XIX. It shall be lawful to the Commissioners of Her Majesty's Treasury to grant from Time to Time, out of any Moneys to be provided by Parliament for that Purpose, such Sums as shall to them appear necessary, for the following Purposes; (that is to say,)

1. For the Salary or other Remuneration of any Clerks or other Officers to be appointed by the Commissioners herein named, with the Consent of the said Commissioners of Her Majesty's Treasury;
2. For the Expense of providing any Office Accommodation for the Use of the Commissioners herein named, and of defraying the Cost of Books, Stationery, Printing, Postages, and other necessary Expenses connected with the same;
3. For defraying the whole reasonable Travelling Expenses which may be incurred by the Commissioners herein named, or by any Clerk or other Officer in their Service, in the Execution of the Powers herein conferred.

Commissioners under this Act specially to regard Reports of Commissioners for visiting Universities of Scotland, and to report to Parliament.

XX. The Commissioners herein appointed shall in the Exercise of their Powers have special Regard to the Reports presented by the Commissioners acting under the several Commissions for visiting the Universities of Scotland; viz., a Commission issued by His Majesty King George the Fourth on the Twenty-third Day of July One thousand eight hundred and twenty-six, renewed by His Majesty King William the Fourth on the Twelfth Day of October One thousand eight hundred and thirty; a Commission issued by His Majesty King William the Fourth on the Twenty-third Day of November One thousand eight hundred and thirty-six, re-appointed by Her present Majesty on the Second Day of October One thousand eight hundred and thirty-seven; and a Commission issued by Her present Majesty on the Sixteenth Day of April One thousand eight hundred and fifty-seven.

XXI. All

Rules, Statutes, &c., when approved, to be entered in a Book, and signed by the Commissioners.

XXI. All Rules, Statutes, and Ordinances to be made by the Commissioners shall, when approved by Her Majesty as herein-before provided, be inserted in a Book or Books to be signed by the Commissioners or their Quorum, and such Book or Books shall, on the Expiration of the Powers of the Commissioners, be lodged with Her Majesty's Clerk Register for Scotland, and shall be preserved among the Public Records, and a Duplicate shall be sent to each of the said Universities of the Rules, Statutes, and Ordinances applicable thereto, and such Rules, Statutes, and Ordinances shall be observed until the same be altered in manner herein-before provided.

Forms in which to sue or to be sued.

XXII. The said Universities may sue and be sued under the Style and Title of "The University of St. Andrew's," "The University of Glasgow," "The University of Aberdeen," and "The University of Edinburgh," respectively.

Saving certain Trusts.

XXIII. That nothing in this Act contained shall be construed to affect any Trusts now vested in and administered by the Senatus Academicus of any University or College, or in the Principal and Professors, or any of them, for Purposes unconnected with such University or College; and any such Trusts as are now held and administered by the Senatus Academicus, or the Principal and Professors of the University and King's College of Aberdeen, or of Marischal College and University, for Purposes unconnected with such Universities and Colleges, shall from and after the Date at which this Act shall come into operation, as regards the University of Aberdeen, be vested in and administered by the Senatus Academicus of the University of Aberdeen; and any Trust now administered in whole or in part by the Principal of either of the said Universities and Colleges, or by any Professor or Professors thereof, shall from and after the Date aforesaid be in like Manner administered, in whole or in part, by the Principal of the University of Aberdeen, or, as the Case may be, by the Professor or Professors who in the said University shall hold the same Professorship as the said Professor or Professors of King's College or Marischal College respectively.

Universities (Scotland).

A

BILL

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

To make Provision for the better Government and Discipline of the Universities of Scotland, and improving and regulating the Course of Study therein; and for the Union of the Two Universities and Colleges of Aberdeen.

(*Prepared and brought in by The Lord Advocate and Mr. Secretary Walpole.*)

Ordered, by The House of Commons, *to be Printed*, 1 *July* 1858.

[Bill 168.]

Under 2 oz.

Universities (Scotland) Bill.

[AS AMENDED IN COMMITTEE, ON RE-COMMITMENT, AND ON CONSIDERATION OF BILL AS AMENDED.]

ARRANGEMENT OF CLAUSES.

King's College and Marischal College, Aberdeen, to be united under Title of "University of Aberdeen;" Sect. 1.

Appointment of Chancellors; 2.

Clause A. Offices of Principal in Glasgow, Aberdeen, and Edinburgh not to be deemed "Chairs of Theology;" 3.

University Courts to be constituted; 4.

Powers of Senatus Academicus and Principal; 5.

General Councils of the Universities to be constituted; 6.

General Council of the University of Aberdeen; 7.

St. Andrew's University Court, of whom to consist; 8.

Glasgow University Court; 9.

Aberdeen University Court; 10.

Edinburgh University Court; 11.

Powers of University Courts; 12.

Right of Nomination to Professorships vested in University Courts; 13.

Commissioners appointed; 14.

Powers of Commissioners; 15.

Clause B. On Grant of Charter for a National University of Scotland, Scottish Universities may surrender Power of granting Degrees; 16.

Clause C. No such Surrender, &c. to be valid unless signified in Writing by the Chancellor, &c.; 17.

Powers of Commissioners with respect to University of Aberdeen; 18.

Statutes may be altered or revoked; 19.

Queen may issue Instructions during the Subsistence of the Commission; 20.

How Parliamentary Grant to be applied; 21.

Treasury may grant Money for Payment of Salaries, &c.; 22.

Commissioners under this Act specially to regard Reports of Commissioners for visiting Universities of Scotland; 23.

Rules, Statutes, &c., when approved, to be entered in a Book, and signed by the Commissioners; 24.
Forms in which to sue or to be sued; 25.
Clause D. No Distinction to be henceforward recognized among Professors of Glasgow University; 26.
Saving certain Trusts; 27.

(Scotland.)

A

B I L L

[AS AMENDED IN COMMITTEE, ON RE-COMMITMENT, AND ON CONSIDERATION OF BILL AS AMENDED]

TO

Make Provision for the better Government and Discipline of the Universities of Scotland, and improving and regulating the Course of Study therein; and for the Union of the Two Universities and Colleges of Aberdeen.

Note.—*The Clauses marked* A. *to* D. *were added on Consideration of Bill as amended.*

WHEREAS it is expedient for the Advancement of Religion and Learning to make Provision for the better Government and Discipline of the Universities in Scotland, viz., the Universities of St. Andrew's, Glasgow, Aberdeen, and Edinburgh, and for improving and regulating the Course of Study therein: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

King's College and Marischal College, Aberdeen, to be united under Title of "University of Aberdeen."

I. That from and after such Date as may be fixed by the Commissioners herein-after appointed by special Ordinance, approved by Her Majesty in Council, the "University and King's College of Aberdeen" and "Marischal College and University of Aberdeen" shall be united and incorporated into One University and College, in all

all Time coming thereafter, under the Style and Title of the "University of Aberdeen;" and the said united University shall take Rank among the Universities of Scotland as from the Date of Erection of King's College and University, viz., the Year One thousand four hundred and ninety-four, and all the Funds, Properties, and Revenues now pertaining or belonging in any manner of way to the "University and King's College," or to "Marischal College and University," shall in Time coming thereafter pertain and belong to the "University of Aberdeen."

Appointment of Chancellors.

II. The Chancellor of each of the Universities of St. Andrew's, Glasgow, and Aberdeen shall be elected by the General Council herein-after mentioned; and in Time coming there shall be a Chancellor of the University of Edinburgh, to be elected in like Manner: Provided always, that the present Chancellors of Saint Andrew's and Glasgow shall continue in Office for Life, and the present Chancellor of the University and King's College of Aberdeen, and the present Chancellor of Marischal College and University of Aberdeen, shall, during their joint Lives, be joint Chancellors of the University of Aberdeen, and the Survivor shall be sole Chancellor during his Survivance, and thereafter a Chancellor shall be appointed in manner herein provided; provided also, that the Chancellor of each of the said Universities shall hold his Office for Life; the Chancellor in each University shall have Power to appoint a Vice-Chancellor, who may in the Absence of the Chancellor discharge his Office in so far as regards conferring Degrees, but in no other respect.

Clause A. Offices of Principal in Glasgow, Aberdeen, and Edinburgh not to be deemed "Chairs of Theology."

III. The Principals in the Universities of Glasgow, Aberdeen, and Edinburgh, appointed in Time to come, shall not, as such, be or be deemed Professors of Divinity; nor shall it be a valid Objection to any Person appointed to the Office of Principal in any of the said Universities that he is a Layman; and no such Office of Principal therein shall fall under or be included in the Terms "Chair of Theology" as used in an Act passed in the Sixteenth and Seventeenth Years of the Reign of Her Majesty Queen Victoria (Chapter Eighty-nine), intituled "An Act to regulate Admission to the Lay "Chairs in the Universities of Scotland."

University Courts to be constituted.

IV. From and after the Date or Dates at which this Act shall come into operation, as herein-after provided, there shall be constituted in each of the said Universities a University Court, which shall consist of the Members and possess and exercise the Powers herein-after enacted, and of which the Rector shall be the ordinary President, with a deliberative and a casting Vote.

V. The

Powers of the Senatus Academicus and Principal.

V. The Senatus Academicus of each of the said Universities shall consist of the Principal or Principals and whole Professors in each University, and shall possess and exercise the Powers heretofore belonging to a Senatus Academicus in so far as the same are not modified or altered by or in pursuance of the Provisions of this Act, and shall superintend and regulate the Teaching and Discipline of the University, and administer its Property and Revenues, subject to the Control and Review of the University Court, as herein-after provided; One Third of the Senatus shall be a Quorum; and the Principal, or the Senior Principal if more than One, shall be the ordinary President of the Senatus Academicus, with a deliberative and a casting Vote; and the Principal shall be bound to undertake and perform such Duties of teaching and lecturing as may be assigned to him by the Commissioners herein-after appointed during the Continuance of their Powers, and thereafter by the University Court.

General Councils of the Universities to be constituted.

VI. There shall be in each University a General Council consisting of the Chancellor, of the Members of the University Court, from and after their First Election, of the Professors, of all Masters of Arts of the University, of all Doctors of Medicine of the University who shall have, as Matriculated Students of the University, given regular Attendance on Classes in any of the Faculties in the University during Four complete Sessions, and also of all Persons who within Three Years from and after the passing of this Act shall establish to the Satisfaction of the Commissioners herein-after appointed that they have, as Matriculated Students, given regular Attendance on the Course of Study in the University for Four complete Sessions, or such regular Attendance for Three complete Sessions in the University, and regular Attendance for One such complete Session in any other Scottish University, the Attendance for at least Two of such Sessions having been on the Course of Study in the Faculty of Arts: Provided that no Person shall be a Member of the General Council until he has attained the Age of Twenty-one Years complete, and has his Name registered in a Book to be kept for the Purpose by each University, which shall be done on Payment of such annual Fee as shall be fixed by the said Commissioners; and provided also, that no Person shall be a Member of the General Council while he is a Student enrolled in any Class of the University; and the said General Council shall assemble twice every Year, on such Days as may be fixed by the Commissioners herein-after appointed, subject to Alteration thereafter from Time to Time by Resolution of the said Council, with the Approval of the University Court, at the Meetings of which Council the Chancellor, and in his Absence the Rector, whom failing, the Principal or Senior Principal, whom failing, the Senior Professor, shall preside, and shall have a deliberative and also a casting

a casting Vote: It shall be competent to such Council to take part in the Election of Office Bearers of the University in manner herein provided, and also to take into their Consideration all Questions affecting the Well-being and Prosperity of the University, and to make Representations from Time to Time on such Questions to the University Court, who shall consider the same, and return to the Council their Deliverance thereon.

General Council of the University of Aberdeen.

VII. That the General Council of the University of Aberdeen shall consist of the Chancellors or Chancellor, of the Members of the University Court, of the Professors, and of all such Graduates and Students as is herein above provided in regard to the other Universities, whether they be Graduates and Students of the University and King's College or of Marischal College and University.

St. Andrew's.

University Court, of whom to consist.

VIII. The University Court of the University of Saint Andrew's shall consist of the following Members; viz.,

1. A Rector to be elected by the Matriculated Students, voting in such Manner as shall be determined by the Commissioners herein-after appointed;
2. The Senior Principal;
3. An Assessor to be nominated by the Chancellor;
4. An Assessor to be nominated by the Rector;
5. An Assessor to be elected by the General Council;
6. An Assessor to be elected by the Senatus Academicus:

Four shall be a Quorum; and the Rector and the Assessor nominated by him shall continue in Office for Three Years, and the other Assessors shall continue in Office for Four Years; and no Principal or Professor of any University shall be eligible to the Office of Rector or Assessor, except in the Case of the Assessor to be elected by the Senatus Academicus.

Glasgow.

University Court, of whom to consist.

IX. The University Court of the University of Glasgow shall consist of the following Members; viz.,

1. A Rector to be elected by the Matriculated Students, voting by Nations as at present, subject to any Re-distribution of Nations or other Regulations to be made by the Commissioners;
2. The Principal;
3. The Dean of Faculties;
4. An Assessor to be nominated by the Chancellor;
5. An Assessor to be nominated by the Rector;
6. An Assessor to be elected by the General Council of the University;

7. An

7. An Assessor to be elected by the Senatus Academicus:

Neither the Rector nor any of the Assessors, with the Exception of the Assessor to be elected by the Senatus Academicus, shall be a Principal or Professor of any University. The Rector and the Assessor nominated by him shall continue in Office for Three Years, and the other Assessors shall continue in Office for Four Years; and Five Members of the University Court shall be a Quorum; and the Rector and Dean of Faculties and Minister of Glasgow shall no longer exercise any Right or Power as ordinary Visitors of the College of Glasgow other than is or may be conferred on any of them as Members of the University Court.

Aberdeen.

University Court, of whom to consist.

X. The University Court of the University of Aberdeen shall consist of the following Members; viz.,

1. A Rector to be elected by the Matriculated Students, voting according to the present Usage in Marischall College, but subject to any Regulations as to voting to be made by the Commissioners;
2. The Principal;
3. An Assessor to be nominated by the Chancellor;
4. An Assessor to be nominated by the Rector;
5. An Assessor to be elected by the General Council of the University;
6. An Assessor to be elected by the Senatus Academicus:

Four shall be a Quorum. The Rector and the Assessor nominated by him shall continue in Office Three Years, and the other Assessors shall continue in Office for Four Years; and no Principal or Professor of any University shall be eligible to the Office of Rector or Assessor, except in the Case of the Assessor to be elected by the Senatus Academicus.

Edinburgh.

University Court, of whom to consist.

XI. The University Court of the University of Edinburgh shall consist of the following Members; viz.

1. A Rector to be elected by the Matriculated Students, voting in such Manner as shall be determined by the Commissioners;
2. The Principal;
3. An Assessor to be nominated by the Chancellor;
4. The Lord Provost of Edinburgh for the Time being;
5. An Assessor to be nominated by the Lord Provost, Magistrates, and Town Council of Edinburgh;
6. An Assessor to be nominated by the Rector;
7. An Assessor to be elected by the General Council of the University;
8. An Assessor to be elected by the Senatus Academicus:

And no Principal or Professor of any University shall be eligible to the Office of Rector or Assessor, except in the Case of the Assessor to be elected by the Senatus Academicus: And the Rector and the Assessor nominated by him shall continue in Office Three Years, and the other Assessors shall continue in Office for Four Years, and Five Members of the University Court shall be a Quorum.

Powers of University Courts.

XII. The University Court of each University shall, subject to the Provisions of this Act, have the following Powers; viz.,

1. To review all Decisions of the Senatus Academicus, and to be a Court of Appeal from the Senatus in every Case except as herein otherwise provided for:
2. To effect Improvements in the internal Arrangements of the University, after due Communication with the Senatus Academicus, and with the Sanction of the Chancellor; provided that all such proposed Improvements shall be submitted to the University Council for their Consideration:
3. To require due Attention on the Part of the Professors to Regulations as to the Mode of Teaching and other Duties imposed on the Professors:
4. To fix and regulate from Time to Time the Fees in the several Classes:
5. Upon sufficient Cause shown, and after due Investigation, to censure a Principal or Professor, or to suspend him from his Office and from the Emoluments thereof, in whole or in part, for any Period not exceeding One Year, or to require him to retire from his Office on a retiring Allowance, or to deprive him of his Office; and during the Suspension of any Professor to make due Provision for the Teaching of his Class: Provided always, that no such Sentence of Censure, Suspension, or Deprivation, or Requisition on a Professor to retire from Office, shall have any Effect until it has been approved by Her Majesty in Council:
6. To inquire into and control the Administration by the Senatus Academicus or Principal and Professors of any College of the Revenue, Expenditure, and all the pecuniary Concerns of the University and of any College therein, including Funds mortified for Bursaries and other Purposes.

Right of Nomination to Professorships vested in University Courts.

XIII. The Right of Nomination or Presentation to any Professorships within any of the said Universities in Time past, and presently exercised by the Senatus or Faculty thereof, or by One or more of the Professors therein, or by any Member or other Officer thereof, shall be transferred to and in all Time coming be exercised, as regards each University, by the University Court thereof, to be established in manner

manner herein-before provided; and the Right of Nomination or Presentation to the Office of Principal and to all Professorships in the University of Edinburgh in Times past, and presently exercised by the Town Council of Edinburgh, or by One or more of the Members thereof, either by themselves or conjointly with others, shall be transferred from the said Town Council or Members thereof to and in all Time coming be exercised by Seven Curators to be nominated as follows: Within Two Months from and after the Date at which this Act shall come into operation, as herein-after provided, the Town Council shall nominate Four Curators, and the University Court of the said University shall nominate the remaining Three Curators, and the Curators shall continue in Office for Three Years; and in the event of Vacancies in the Office of Curator occurring from Death, Resignation, or any other Cause, the Vacancies shall, as respects the Four Nominations made by the Town Council, be filled up by the Town Council, and shall, as respects the other Nominations, be filled up by the University Court.

Commissioners appointed.

XIV. The following Persons, (that is to say,) his Grace John George Douglas Campbell Duke of Argyll, the Right Hon. George Hamilton Gordon Earl of Aberdeen, the Right Honourable Philip Henry Stanhope Earl Stanhope, the Right Hon. William David Murray Earl of Mansfield, the Right Hon. Duncan McNeill Lord Justice General and Lord President of the Court of Session, Sir William Gibson Craig of Riccarton, Baronet, John Inglis, Esquire, Lord Advocate for Scotland, James Craufurd, Esquire, One of the Senators of the College of Justice, William Stirling, Esquire, of Keir, James Moncrieff, Esquire, Alexander Hastie, Esquire, and Alexander Murray Dunlop, Esquire, shall be Commissioners for the Purposes of this Act, and shall have a Common Seal; and Four of the said Commissioners shall be a Quorum; and the Commissioners may elect One of their Number to be their permanent Chairman, and the permanent Chairman, or in his Absence One of the Commissioners elected and acting as Chairman at any Meeting, shall have both a deliberative and a casting Vote. If any Vacancy occurs in the Number of the Commissioners by means of Death, Resignation, or Incapacity to act, Her Majesty may fill up such Vacancy by Warrant under the Sign Manual. The Powers hereby conferred on the Commissioners shall be in force until the First Day of January One thousand eight hundred and sixty-two; and it shall be lawful to Her Majesty, by and with the Advice of Her Privy Council, to continue the same until the First Day of January One thousand eight hundred and sixty-three, and no longer.

Queen may fill up Vacancy.

Declaration of Powers of Commissioners.

Powers of Commissioners:

XV. The Commissioners shall possess and exercise the following Powers; viz.,

To cite and examine Office Bearers in Universities, and require Production of Documents and Accounts;

1. To call before them the respective Principals, Professors, Regents, Masters, and others bearing Office in the said Universities and the Colleges therein respectively; viz., the University of St. Andrew's, the University of Glasgow, the University and King's College of Aberdeen, the University of Edinburgh, Marischal College and University of Aberdeen, and to examine them as to all Rules and Ordinances now in force in the said Universities; and to require the Production of all Documents and Accounts relating to any of the said Universities or Colleges:

To revise the Foundations, &c., and to alter Trusts;

2. To revise the respective Foundations, Mortifications, Bursaries, and Donations bestowed on any of the said Universities or Colleges, or for the Benefit of any Professors, Students, or others therein; and further, if in the Case of any such Gift or Endowment which has taken effect for more than Fifty Years, and has been held by any of the said Universities or Colleges, or by any other Person in trust for or on behalf of the same or of any Persons therein, it shall appear to the Commissioners that the Interests of Religion and Learning and the main Design of the Donor, so far as is consistent with the Promotion of such Interests, may be better advanced by an Alteration of the Conditions or Directions affecting such Gift or Endowment, it shall be lawful to the Commissioners to alter or modify such Conditions or Directions, and to frame a new Statute or Ordinance for the Application of such Gift or Endowment, in such Manner as may better advance the Purposes thereof:

To regulate the Powers of Office Bearers;

3. Subject to the Provisions of this Act, to regulate by Ordinance the Powers, Jurisdictions, and Privileges of Chancellors, Rectors, Assessors, Professors, and all other Members or Office Bearers in the said Universities and Colleges, as also of the Senatus Academicus, the General Council, and the University Court, and their Meetings, as well with respect to the Government, Policy, and Discipline of the University as to the Management and Disposal of the Revenues and Endowments thereof, with Power to abolish unnecessary Offices:

To regulate Elections of University Officers;

4. Subject to the Provisions of this Act, to make Regulations as to Time, Place, and Manner of presenting and electing all University Officers: Provided always, that the existing Rights of Nomination or Presentation to any Professorships shall not, except in so far as herein expressly otherwise provided, be thereby affected:

To regulate Course of Study, Exaction of Fees, &c.;

5. To make Rules for the Management and Ordering of the said Universities, the Manner and Conditions in and under which Students

Students shall be admitted thereto, the Course of Study, and Manner of Teaching therein, the Amount and Exaction of Fees, the Manner of Examination, with the Qualifications, Appointment, and Number of Examiners, and the Amount and Manner of their Remuneration, the granting of Degrees, whether in Arts, Divinity, Law, or Medicine, and to provide that, in so far as shall be practicable, and in the Opinion of the Commissioners conducive to the Well-being of the Universities, and to the Advancement of Learning, the Course of Study, the Manner of Examination, and the Conditions under which Degrees are to be conferred, shall be uniform in all the Universities of Scotland:

6. To make Ordinances in order to found new Professorships where they are required, and to provide for the Appointment of Assistants to such Professors as from the Nature and Duties of their Professorships require Assistance, and to provide for the Remuneration of such Assistants, and to provide by whom the Right of presenting or appointing such new Professors and Assistants shall be exercised: *To found Professorships and provide for Assistants;*

7. To make such Provision by Ordinance as the Commissioners shall see fit, as well for the due Preservation, Administration, and Disposal of the whole Property, Funds, Rents, Revenues, and Endowments as for the Preservation and Maintenance of all the Fabrics and Buildings of or connected with the Universities and Colleges, and for the better Custody and Management of any Libraries and Museums thereto belonging, or of the Contents thereof, and of any Furniture, Apparatus, or Objects acquired or to be acquired for the Use of the University, or of any Class therein: *To provide for the due Administration of Revenues and Endowments;*

8. To provide by Ordinance, as the Commissioners shall judge expedient, by means of any of the Funds, Property, Rents, Revenues, and Endowments of any University or College, for the Payment and Extinction of any Debts forming a present Burden on such Rents, Revenues, or Endowments respectively: *To provide for the Extinction of Debt;*

9. To provide by special Ordinance, at what Date, with reference to each of the said Universities, the Provisions of this Act shall come into operation: *To fix Date when Act shall come into operation.*

10. To inquire and report to Her Majesty how far it may be practicable and expedient that a new University should be founded, to be a National University for Scotland:

11. In the event of the Erection of such an University, to make Arrangements, with Consent of the Scottish Universities named in this Act, or any of them, for converting them respectively into Colleges, One or more, as the Case may be,

of the said National University, and for the due Representation of such Colleges in the Governing Body thereof:

Provided always, that all Rules, Statutes, and Ordinances to be made by the Commissioners shall be published in the Edinburgh Gazette for Four consecutive Weeks, and shall be at the same Time laid before both Houses of Parliament, if Parliament be sitting, or if not, then within Three Weeks after the Commencement of the next ensuing Session of Parliament, and shall thereafter be submitted for the Approval of Her Majesty in Council; and it shall be lawful for any University or any College, and for the Trustees or Patron of any Foundation, Mortification, Bursary, or Endowment, or for any other Person directly affected by any such Rule, Statute, or Ordinance, within One Month after the First Publication thereof in the Gazette, to petition Her Majesty in Council to withhold Her Approbation of the whole or any Part thereof, and it shall be lawful for Her Majesty in Council to refer such Petition to the Commissioners, and to direct that they shall hear the Petitioner or Petitioners by Counsel, and report specially to Her Majesty in Council on the Matter of the said Petition; and it shall be lawful for Her Majesty, by Order in Council, either to declare Her Approbation of any such Rule, Statute, or Ordinance, in whole or in part, or to signify Her Disapproval thereof, in whole or in part, and in case of such Disapproval the Commissioners may proceed to frame other Statutes or Ordinances in that Behalf, subject to the like Provisions and Conditions as are herein-before enacted; and no such Rule, Statute, or Ordinance shall be effectual until it shall have been so published, laid before Parliament, and approved: Provided also, that each of the said Universities shall be governed and conducted according to the existing Law and Practice, until the Commissioners shall have made and published, with reference to such University, an Ordinance providing at what Date this Act shall come into operation, and such Ordinance shall have been approved of by Her Majesty, as herein-before provided.

CLAUSE B. On Grant of Charter for a National University of Scotland, Scottish Universities may surrender Power of granting Degrees.

XVI. If Her Majesty shall be pleased, at any Time within the Duration of the Commission, to grant a Charter for the Foundation of a National University for Scotland, the Scottish Universities named in this Act, or any of them, may, if they shall think fit, surrender to the Commissioners the Powers of examining for and of granting Degrees, with or without the Exception of Degrees in Theology, and to become Colleges, One or more, as the Case may be, of the said National University.

XVII. No

CLAUSE C.

No such Surrender, &c. to be valid unless signified in Writing by the Chancellor, &c.

XVII. No such Surrender or Consent as is herein-before mentioned of any Scotch University named in this Act, with a view to becoming a College or Colleges of a National University for Scotland, shall be valid, except it be signified in Writing by the Chancellor and by the University Court of the University concerned therein, nor except it be declared by the said Court that the said Surrender or Consent respectively is given with the Approval of the Senatus Academicus, and likewise of the University Council.

Powers of Commissioners with respect to University of Aberdeen: To determine Number of Professors, and regulate Course of Study;

XVIII. Without Prejudice to any of the Powers herein-before conferred, the said Commissioners shall, with respect to the University of Aberdeen, possess and exercise, subject to the Provisions of this Act, the following Powers:

1. To make Ordinances in order to determine the Number of Professors, and to prescribe and regulate the Course of Study in the several Faculties of Arts, Divinity, Law, and Medicine: Provided that in the Faculty of Arts there shall be a Professor of Greek, a Professor of Humanity, a Professor of Logic, a Professor of Mathematics, a Professor of Moral Philosophy, a Professor of Natural Philosophy, and a Professor of Natural History; or, in the Discretion of the Commissioners, Two Professors in any One or more of such Branches of Instruction in the Faculty of Arts, if it shall appear to be necessary or expedient, with Power to the said Commissioners to determine where the Classes of each of the said Professors shall assemble; in the Faculty of Divinity there shall be Professors of Systematic Theology, of Oriental Languages, of Church History, and of Biblical Criticism; in the Faculty of Law a Professor of Law; and in the Faculty of Medicine Professors of the Institutes of Medicine, of the Practice of Medicine, of Chemistry, of Anatomy, of Surgery, of Materia Medica, of Midwifery, of Medical Jurisprudence, of Botany; and such other Professorships in each of the said Faculties as the said Commissioners shall think to be expedient;

To abolish Offices rendered unnecessary by the Union, &c.;

2. To make Ordinances in order to abolish such Professorships and other Offices within the said University as are rendered unnecessary by the Union of the Two Universities and Colleges, or to conjoin Two or more of such Professorships, making full Compensation to the Holders of such Offices for all Loss of Emoluments consequent on such Abolition or Conjunction of Offices; and, having regard as far as practicable to the main Design of any existing Gift or Endowment of such Professorships or other Offices, to make such other Arrangements respecting such Professorships and other Offices as may seem expedient; and, having regard as aforesaid, to appropriate the

the Funds and Revenues belonging or payable to the Holders of such Professorships or other Offices, after the Death, Resignation, or Deprivation of any of the present Incumbents, to any of the following Purposes within the said University; (that is to say,)

1. For providing retiring Allowances to aged and infirm Principals and Professors:

2. For providing additional Teaching by means of Assistants to the Professors in any Professorships already established or to be established:

3. For providing Remuneration to the Examiners appointed in pursuance of this Act:

4. For increasing the Salaries presently attached to such Professorships, and any other Offices in the University:

5. For the Endowment of new Professorships;

To accept Resignations, &c.;

3. To accept Resignations of the existing Incumbents of such Professorships as they may think fit to abolish, and to make Arrangements for giving reasonable Compensation to such Persons for Loss of Emoluments by such Resignation, or for the Appointment of such Incumbents to other Professorships or other Offices in the said University;

To determine Right of Patronage;

4. To make Ordinances in order to determine in whom for the future shall be vested the Patronage or Right of presenting Professors to each of the Chairs in the said University, having regard as far as possible to the Preservation of the existing Rights of Patronage;

To make Arrangements as to Buildings of united Colleges;

5. To make Arrangements and Regulations as to the Uses and Purposes to which the Buildings of King's College and Marischal College respectively shall be appropriated;

To make all necessary Rules, &c.

6. To make all such Rules and Ordinances as may be necessary for securing good Order and Government, and regulating the Course of Study in the said University:

Provided always, that all Rules, Statutes, and Ordinances to be made by the Commissioners in virtue of the Powers herein conferred shall be published, laid before Parliament, and approved, in like Manner, and shall be subject to the same Provisions and Conditions in all respects, as is provided with respect to the Rules and Ordinances to be made in the Exercise of the Powers conferred on them as regards the whole of the said Universities.

Statutes may be altered or revoked.

XIX. During the Subsistence and Exercise of the Powers of the Commissioners, the Powers herein-before conferred on the University Courts shall be exercised in subordination to and so as not to conflict with the Powers of the Commissioners: But any of the Rules, Statutes, and Ordinances to be framed and passed by the Commissioners,

Commissioners, as herein-before provided, may, at any Time after the Expiration of the Powers herein conferred on the Commissioners, be altered or revoked by the University Court of the University to which the same are applicable, but only with the Consent, expressed in Writing, of the Chancellor thereof, and with the Approval of Her Majesty in Council.

Queen may issue Instructions during the Subsistence of the Commission.

XX. It shall be the Duty of the Commissioners herein appointed to take into their deliberate Consideration any Matters connected with the said Universities to which their Attention may be at any Time called by Instructions issued to them by Her Majesty's Command.

How Parliamentary Grant to be applied.

XXI. The Commissioners of Her Majesty's Treasury shall be empowered to pay out of such Monies as may be provided by Parliament for the Purpose, by Four equal Quarterly Payments, on the Fifth Day of January, the Fifth Day of April, the Fifth Day of July, and the Tenth Day of October in every Year, such Sums of Money as the Commissioners herein appointed shall recommend to be paid for any One or more of the following Purposes; (that is to say,)

1. For providing retiring Allowances to aged and infirm Principals and Professors;
2. For providing additional Teaching by means of Assistants to the Professors in any Professorships already established or to be established;
3. For providing Remuneration to the Examiners appointed in pursuance of this Act;
4. For increasing the Salaries presently attached to existing Professorships and to any other Offices in the University;
5. For the Endowment of new Professorships:

And it is hereby provided that the whole of such Payments shall be subject to whatever Rules, Statutes, and Ordinances the Commissioners herein appointed shall from Time to Time see fit to prescribe in reference thereto: Provided always, that all Rules, Statutes, and Ordinances providing for or affecting the Application or Distribution of such Sums of Money shall be laid before both Houses of Parliament, if Parliament be sitting, or if not then within Three Weeks after the Commencement of the next ensuing Session of Parliament, and shall thereafter be submitted for the Approval of Her Majesty in Council; and no such Rule, Statute, or Ordinance shall be effectual until it has been so laid before Parliament and approved of by Her Majesty.

Treasury may grant Money for Payment of

XXII. It shall be lawful to the Commissioners of Her Majesty's Treasury to grant from Time to Time, out of any Moneys to be

Salaries, Travelling Expenses, &c.

provided by Parliament for that Purpose, such Sums as shall to them appear necessary, for the following Purposes; (that is to say,)

1. For the Salary or other Remuneration of any Clerks or other Officers to be appointed by the Commissioners herein named, with the Consent of the said Commissioners of Her Majesty's Treasury;
2. For the Expense of providing any Office Accommodation for the Use of the Commissioners herein named, and of defraying the Cost of Books, Stationery, Printing, Postages, and other necessary Expenses connected with the same;
3. For defraying the whole reasonable Travelling Expenses which may be incurred by the Commissioners herein named, or by any Clerk or other Officer in their Service, in the Execution of the Powers herein conferred.

Commissioners under this Act specially to regard Reports of Commissioners for visiting Universities of Scotland, and to report to Parliament.

XXIII. The Commissioners herein appointed shall in the Exercise of their Powers have special Regard to the Reports presented by the Commissioners acting under the several Commissions for visiting the Universities of Scotland; viz., a Commission issued by His Majesty King George the Fourth on the Twenty-third Day of July One thousand eight hundred and twenty-six, renewed by His Majesty King William the Fourth on the Twelfth Day of October One thousand eight hundred and thirty; a Commission issued by His Majesty King William the Fourth on the Twenty-third Day of November One thousand eight hundred and thirty-six, re-appointed by Her present Majesty on the Second Day of October One thousand eight hundred and thirty-seven; and a Commission issued by Her present Majesty on the Sixteenth Day of April One thousand eight hundred and fifty-seven.

Rules, Statutes, &c., when approved, to be entered in a Book, and signed by the Commissioners.

XXIV. All Rules, Statutes, and Ordinances to be made by the Commissioners shall, when approved by Her Majesty as herein-before provided, be inserted in a Book or Books to be signed by the Commissioners or their Quorum, and such Book or Books shall, on the Expiration of the Powers of the Commissioners, be lodged with Her Majesty's Clerk Register for Scotland, and shall be preserved among the Public Records, and a Duplicate shall be sent to each of the said Universities of the Rules, Statutes, and Ordinances applicable thereto, and such Rules, Statutes, and Ordinances shall be observed until the same be altered in manner herein-before provided.

Forms in which to sue or to be sued.

XXV. The said Universities may sue and be sued under the Style and Title of "The University of St. Andrew's," "The University of Glasgow," "The University of Aberdeen," and "The University of Edinburgh," respectively.

XXVI. From

CLAUSE D.

No Distinction to be henceforward recognized among Professors of Glasgow University.

XXVI. From and after the passing of this Act, no Distinction shall be recognized among the Professors of the University of Glasgow, but the whole Professors thereof admitted to Chairs heretofore established or which may hereafter be established therein shall be deemed to be and shall be Professors of the University and College of Glasgow, and shall all equally exercise the whole Rights and Functions which have heretofore been exercised by any Portion of such Professors: Provided always, that no Claim is hereby given to any Participation in the Income or Emoluments already appropriated to existing Chairs in the said University and College.

Saving certain Trusts.

XXVII. That nothing in this Act contained shall be construed to affect any Trusts now vested in and administered by the Senatus Academicus of any University or College, or in the Principal and Professors, or any of them, for Purposes unconnected with such University or College; and any such Trusts as are now held and administered by the Senatus Academicus, or the Principal and Professors of the University and King's College of Aberdeen, or of Marischal College and University, for Purposes unconnected with such Universities and Colleges, shall from and after the Date at which this Act shall come into operation, as regards the University of Aberdeen, be vested in and administered by the Senatus Academicus of the University of Aberdeen; and any Trust now administered, in whole or in part, by the Principal of either of the said Universities and Colleges, or by any Professor or Professors thereof, shall from and after the Date aforesaid be in like Manner administered, in whole or in part, by the Principal of the University of Aberdeen, or, as the Case may be, by the Professor or Professors who in the said University shall hold the same Professorship as the said Professor or Professors of King's College or Marischal College respectively.

Universities (Scotland).

A

BILL

[AS AMENDED IN COMMITTEE, ON RE-COMMITMENT, AND ON CONSIDERATION OF BILL AS AMENDED]

To make Provision for the better Government and Discipline of the Universities of Scotland, and improving and regulating the Course of Study therein; and for the Union of the Two Universities and Colleges of Aberdeen.

(*Prepared and brought in by*
The Lord Advocate and Mr. Secretary Walpole.)

Ordered, by The House of Commons, *to be Printed,*
5 *July* 1858.

[Bill 179.]

Under 3 *oz.*

LORDS AMENDMENTS

TO THE

UNIVERSITIES (SCOTLAND) BILL.

Note.—*The Page and Line refer to the Bill* (203.) *as first printed by the Lords.*

Page 1.

Line 10. Leave out ("That")

Page 2.

Line 11. After ("by") insert ("the other Members of")

Leave out Clause 3.

Page 4.

Line 8. Leave out ("That")

Line 16. After ("by") insert ("the Professors and")

Line 32. After ("by") insert ("the Professors and")

Page 5.

Line 14. After ("by") insert ("the Professors and")

Line 32. After ("by") insert ("the Professors and")

Page 7.

Line 25. Leave out ("Advocate") and insert ("Justice Clerk")

Page 10.

Line 13. Leave out ("first") and insert ("last")

Page 13.

Line 27. After ("Professorships") insert

("6. For providing full Compensation to the pre-
"sent Holders of Professorships or other
"Offices for the Loss of Emoluments con-
"sequent on the Abolition or Conjunction
"of such Professorships or other Offices in
"the present Universities and Colleges of
"Aberdeen")

Page 15.

Leave out Clause 26.

Line 11. Leave out ("That")

[Bill 233.]

LORDS AMENDMENTS

TO THE

UNIVERSITIES (SCOTLAND) BILL.

Ordered, by The House of Commons, *to be Printed*,
23 *July* 1858.

[Bill 233.]

Under 1 *oz.*

LORDS AMENDMENTS

TO THE

UNIVERSITIES AND COLLEGE ESTATES BILL.

Note.—*The Page and Line refer to the Bill* (136.) *as first printed by the Lords.*

Page 2.

Line 21. Leave out ("for") and insert ("of")

Line 33. After ("of") insert ("not less than")

Page 3.

Line 13. After ("for") insert ("a Life or")

Line 26. After ("under") insert ("their Hands and")

Line 40. Leave out the first ("or"), and after ("Purchase") insert ("or Mortgage")

Line 42. After ("Purchase") insert ("Provided that notwithstanding anything herein contained, the said Commissioners shall be at liberty (if they shall think fit) to require a Valuation to be made by any Surveyor to be selected or approved by them, and also a Plan to be furnished of the Lands the Subject of any such Sale, Enfranchisement, Exchange, Purchase, or Mortgage; and all Costs and Expenses of and incidental to the obtaining such Consent shall be borne by the University or College applying for the same")

Page 4.

Line 9. After ("or for") insert ("a Life or")

Line 42. Leave out ("in") and insert ("to"), and in the same Line leave out ("Estate") and insert ("Estates")

Page 5.

Line 9. After ("for") insert ("a Life or")

Page 6.

Line 16. After ("their") insert ("Hands and")

Line 22. Leave out from ("aforesaid") to the End of the Clause.

Page 8.

Line 2. Leave out (" Lands ") and insert (" Land ")

Line 3. Leave out (" Land ") and insert (" Lands ")

Page 12.

Line 24. Leave out (" said ")

Page 17.

Line 7. Leave out (" said ")

Page 19.

Line 40. After (" belonging ") insert Clauses A. and B.

Clause A. It shall be lawful for the said Universities and any College therein respectively, and for the Colleges of Saint Mary of Winchester near Winchester, and of King Edward the Sixth at Eton, from Time to Time and at any Time hereafter, with the Consent of the said Copyhold Commissioners (such Consent to be evidenced by an Order, to be issued under their Hands and Common Seal, in the Form or to the Effect set forth in the said Shedule hereto), to raise by Mortgage of any Lands belonging to such University or College, for any Term of Years (determinable as hereafter provided), such Sum or Sums of Money (together with all reasonable Costs and Expenses incidental to such raising and the Application thereof) as shall be certified by the Surveyor of the University or College to be properly required, and shall be authorized by the said Commissioners, with Interest thereon not exceeding the Rate to be specified in such Order, and to apply such Sum or Sums of Money for all or any of the Purposes following; (that is to say,) for or towards the Restoration and Improvement and (if need be) Enlargement of any House or Building forming Part of or connected with or otherwise belonging to such University or College, or for or towards the Erection of new or additional Houses or Buildings, or for the Extension and Improvement of any existing Houses or Buildings upon any Lands belonging to such University or College, or for the Drainage or other permanent and lasting Improvement of any Lands belonging to such University or College.

Clause B. Where any Mortgage is made by any University or College under either of the Powers herein-before contained for that Purpose, such University or College shall, out of the Rents and Profits of the Lands comprised in any such Mortgage, or out of the Funds and Revenues of such University or College, either repay the same Monies by the Grant of an Annuity, upon such Terms as shall be approved of by the said Commissioners, to the Lender or other Person to whom the same Monies shall be due, or shall keep down all the Interest of such Monies as the same shall become due, and annually thereafter reserve or raise out of the same Rents and Profits, or Funds and Revenues, and out of the Income arising from any such Sinking Fund as shall have been created under the Provi-

sions

sions following, One Thirtieth Part at least of the Amount of the Principal Debt, and apply the same to the Reduction thereof, either by direct Payment to the Lender or other Person to whom the same shall be due, if he shall consent or be under Engagements or otherwise required to receive the same, or by the Creation of a Sinking Fund for that Purpose in such Manner as shall be approved of by the said Commissioners, to the end that the whole of every such Principal Debt may be discharged, with the Mesne Interest thereof, out of the said Rents and Profits, or Funds and Revenues and Income, within or at the Expiration of the Period of Thirty Years from the borrowing thereof: Provided also, that in every such Mortgage there shall be contained a Proviso that when the whole of such Principal Debt, Interest, and Costs shall be discharged and satisfied in manner aforesaid, the Mortgage Term thereby created shall absolutely cease and determine: Provided always, that where any such Mortgage is made for raising Money for the Purchase of the Estate or Interest of a Lessee of Lands held under such University or College, Provision shall be made for applying by some of the Means aforesaid, so long as the Lease but for such Purchase would have continued (unless the Monies secured by such Mortgage be sooner discharged), towards the Interest and Discharge of the Principal Money, such yearly Sum as shall be certified by the said Copyhold Commissioners to be equal to the clear yearly Value of the Lands comprised in such Lease, after deducting the Rent reserved to the University or College, and making other usual and proper Landlords Deductions.

Page 20.

Line 12. Leave out the first ("or"), and after ("Purchase") insert ("or borrowing Monies")

Line 17. Leave out ("and") and insert ("Provided, that upon any Exchange being effected under the Provisions of "The Acts for the Inclosure, Exchange, and Im- "provement of Land," it shall be lawful for the "Inclosure Commissioners for England and Wales" to authorize any Monies by way of Equality of Exchange to be received by any such University or College, and any Monies to be so received shall be paid into the Bank of England to the Account and in manner herein-before particularly mentioned, and until such Payment as aforesaid no Order of Exchange shall be finally confirmed by the said last-named Commissioners, and a Recital of such Payment in the Order of Exchange shall be conclusive Evidence thereof; provided also, that")

Page 21.

Line 5. Leave out ("[*or* Cambridge] University") and insert ("[*or*] University")

Line 8. } Leave out ("or College") and insert ("[*or*
Line 11. } College]")

Line 16. Leave out ("mentioned in the said Statement")

Line 18. } Leave out ("or College") and insert ("[*or*
Line 19. } College]")

Line 22. Leave out ("Sealed by Order of the Board") and insert ("Witness their Hands and Common Seal")

Line 24. Leave out ("Secretary")

Line 29. Leave out ("[*or* Cambridge] University") and insert ("[*or*] University")

Page 22.

Line 14. Leave out ("said University") and insert ("said University")

Line 24. Leave out ("Sealed by Order of the Board") and insert ("Witness their Hands and Common Seal")

Line 26. Leave out ("Secretary")

Line 30. Leave out ("[*or* Cambridge] University") and insert ("[*or* University]")

Line 33. Leave out ("said University") and insert ("said University")

Line 35. Leave out ("to effect the Purchase of the Estate and Interest")

Line 36. Leave out from ("the") to ("with") in Line 39, and insert ("Lands proposed to be mortgaged the Purposes for which the Sum is to be raised")

Page 23.

Lines 1 and 2. Leave out ("mentioned in such Statement")

Line 4. Leave out ("said University") and insert ("said University")

Line 6. After ("the") insert ("said"), and in same Line leave out ("comprised in any such Lease so purchased as aforesaid")

Line 9. After ("Loan") add "(*or* [*as the Case may be*] by the Grant of an Annuity to be secured on such Lands in manner provided by the Twenty-seventh Section of this Act

Witness their Hands and Common Seal, this
Day of ")

LORDS AMENDMENTS

TO THE

UNIVERSITIES AND COLLEGE ESTATES BILL.

Ordered, by The House of Commons, *to be Printed*,
16 *July* 1858.

[Bill 220.]

Under 1 *oz.*

(Ireland.)

A

BILL

TO

Make further Provision for the Practice of Vaccination in Ireland.

WHEREAS by an Act passed in the Fifteenth Year of the Reign of Her Majesty, intituled "An Act to provide for "the better Distribution, Support, and Management of "Medical Charities in Ireland, and to amend an Act of the "Eleventh Year of Her Majesty, to provide for the Execution of the "Laws for the Relief of the Poor in Ireland," it is provided, that the Medical Officer of every District constituted under the said Act shall and he is thereby required to vaccinate all Persons who may come to him for that Purpose, subject to such Regulations as may be issued by the Poor Law Commissioners in that Behalf: And whereas it is expedient to make further Provision for Vaccination in the Dispensary Districts in Ireland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. As soon as may be after the passing of this Act, the Committee of Management of every Dispensary District in Ireland shall, subject to the Approbation of the Commissioners, divide such Dispensary District into so many Vaccination Districts as they may deem advisable and necessary, and shall report such Districts to the Commissioners Dispensary Committee may divide Dispensary Districts, and require Medical Officer to

attend for Purposes of Vaccination.

missioners for their Approval, and shall require the Medical Officer of such District to attend at some convenient Place within each such Vaccination District, to be approved of by the said Committee, at such Times as the said Committee may fix or approve; and the said Medical Officer shall and he is hereby required to vaccinate all Persons who may come to him for that Purpose, subject to such Regulations as may be issued by the Commissioners in that Behalf.

Board of Guardians shall pay Medical Officer for each successful Case of Vaccination.

II. The Board of Guardians shall pay to each such Medical Officer, subject to such Regulations as aforesaid, for every Case of successful Vaccination performed by him, the Sum of Sixpence; and in case the Board of Guardians shall neglect or refuse to pay the Amount which may at any Time be due to such Medical Officer, under such Regulations as aforesaid, the same shall be recoverable by the said Medical Officer by such and the same Actions and Proceedings as Money lent.

Vaccination (Ireland).

A

BILL

To make further Provision for the Practice of Vaccination in Ireland.

(*Prepared and brought in by Lord Naas and Mr. Attorney General for Ireland.*)

Ordered, by The House of Commons, *to be Printed,* 1 *June* 1858.

[Bill 98.]

Under 1 *oz.*

(Ireland.)

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Make further Provision for the Practice of Vaccination in Ireland.

WHEREAS by an Act passed in the Fourteenth and Fifteenth Years of the Reign of Her Majesty, intituled "An "Act to provide for the better Distribution, Support, and "Management of Medical Charities in Ireland, and to amend an Act "of the Eleventh Year of Her Majesty, to provide for the Execution of "the Laws for the Relief of the Poor in Ireland," it is provided, that the Medical Officer of every District constituted under the said Act shall and he is thereby required to vaccinate all Persons who may come to him for that Purpose, subject to such Regulations as may be issued by the Poor Law Commissioners in that Behalf: And whereas it is expedient to make further Provision for Vaccination in the Dispensary Districts in Ireland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 14 & 15 Vict. c. 68.

I. As soon as may be after the passing of this Act, the Committee of Management of every Dispensary District in Ireland shall, subject to the Approbation of the Commissioners, divide such Dispensary District into so many Vaccination Districts as they may deem advisable and necessary, and shall report such Districts to the Commissioners Dispensary Committee may divide Dispensary Districts, and require Medical Officer to

attend for Purposes of Vaccination.

missioners for their Approval, and shall require the Medical Officer of such District to attend at some convenient Place within each such Vaccination District, to be approved of by the said Committee, at such Times as the said Committee may fix or approve; and the said Medical Officer shall and he is hereby required to vaccinate all Persons resident in his District who may come to him for that Purpose, or whom he may be requested to vaccinate, being fit Subjects for Vaccination, subject to such Regulations as may be issued by the Commissioners in that Behalf.

CLAUSE A. Board of Guardians shall pay Medical Officer for each successful Case of Vaccination.

II. The Board of Guardians shall pay to each such Medical Officer, in addition to any Salary or Allowance payable to him, the Sum of One Pound for every Twenty Cases of successful Vaccination performed by him in each Year.

CLAUSE B. Medical Officer to report Number of Persons successfully vaccinated.

III. The Medical Officer of each such District shall make a Report to the Committee of Management, from Time to Time, of the Number of Persons successfully vaccinated by him in each Year, under the Provisions of this Act, and such Report shall be made in such Form and shall contain such further Particulars as the Commissioners shall direct, and shall be transmitted by the Committee to the Board of Guardians, and recorded by the Guardians on their Minutes.

CLAUSE C. Expenses to be charged to Electoral Divisions.

IV. The Payments to be made to the Medical Officer under the Provisions of this Act, and all other Expenses incidental to the Performance of Vaccination under this Act in any Dispensary District, shall be charged to the Electoral Divisions comprising such Dispensary District, in the same Manner as all Charges incidental to Medical Relief in the District.

CLAUSE D. Costs of Proceedings by Guardians against Persons for inoculating may be paid out of Rates. 3 & 4 Vict. c. 29. s. 8.

V. And whereas by an Act passed in the Third and Fourth Years of the Reign of Her Majesty, Chapter Twenty-nine, it is enacted that any Person who shall produce or attempt to produce in any Person by Inoculation with Variolous Matter, or by wilful Exposure to Variolous Matter, or to any Matter, Article, or Thing impregnated with Variolous Matter, or wilfully by any other Means whatsoever produce the Disease of Small Pox in any Person, shall be liable to be proceeded against and convicted summarily before any Two or more Justices of the Peace in Petty Sessions: Be it enacted, That in any Case in which any Proceedings shall have been taken or instituted by or under the Directions of the Board of Guardians of any Union in Ireland under the said recited Provision, it shall be lawful for the Board of Guardians to pay the Costs of such Proceedings out of the Rates of the Union at large.

Vaccination (Ireland).

A

BILL

[AS AMENDED IN COMMITTEE]

To make further Provision for the Practice of Vaccination in Ireland.

(Prepared and brought in by Lord Naas and Mr. Attorney General for Ireland.)

Ordered, by The House of Commons, *to be Printed*, 21 *June* 1858.

[Bill 150.]

Under 1 *oz.*

A

BILL

TO

Do away the Exemption from Valuation, under the Valuation of Lands (Scotland) Act (1854), of certain Descriptions of Lands and Heritages.

WHEREAS by an Act passed in the Seventeenth and Eighteenth Years of the Reign of Her Majesty Queen Victoria, intituled "An Act for the Valuation of Lands and Heritages in Scotland," it was enacted, that One uniform Valuation of Lands and Heritages in Scotland should annually be made, and that the Valuation so made should be the Basis according to which all Assessments and public Taxes leviable according to the Real Rent or annual Value should be imposed on the Lands and Heritages subject to such Assessments and public Taxes respectively: And whereas it was by the said Act enacted and declared, that nothing therein contained should "exempt from or render liable to "Assessment any Person or Property not previously exempt from "or liable to Assessment:" And whereas, while the Insertion of any Lands or Heritages in the Valuation Rolls made up under the said Act does not render the same liable to any Assessment or Tax to which they are not subject by Law, the Exclusion therefrom of any Lands or Heritages legally liable to any such Assessment or Tax, by withholding the Means whereby such Assessment or Tax may be

Preamble.

17 & 18 Vict. c. 91.

be lawfully imposed on them, gives Occasion to their actual Exemption from the Imposition of Assessments and Taxes to which they may by Law be liable: And whereas by the Interpretation attached by the said recited Act to the Words "Lands and Heritages," as therein used, certain Descriptions of Lands and Heritages, particularly Deer Forests, Woodlands, Shootings, and Feu Duties, are either absolutely or in certain Circumstances excluded from Valuation thereunder: And whereas it is expedient that such Occasion of Exemption should be removed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Repeal of Interpretation Clause in recited Act as to "Lands and Heritages."

I. So much of the Forty-second Section of the said recited Act as prescribes the Meaning and Interpretation of the Words "Lands and Heritages," as in the said recited Act used, is hereby repealed.

Interpretation of "Lands and Heritages."

II. The Words "Lands and Heritages" in the said recited Act used shall in the said Act extend to and include all Lands, Houses, Shootings, Fishings, Feu Duties, Ferries, Piers, Harbours, Quays, Wharves, Docks, Canals, Railways, Mines, Minerals, Quarries, Coal-works, Waterworks, Brickworks, Ironworks, Gasworks, Factories, and all Buildings and Pertinents thereof, and all Machinery fixed and attached to any Lands and Heritages.

This Act and recited Act to be read as One Act.

III. This Act and the said recited Act shall be read as One Act.

Valuation of Lands (Scotland) Act Amendment.

A

BILL

To do away the Exemption from Valuation, under the Valuation of Lands (Scotland) Act (1854), of certain Descriptions of Lands and Heritages.

(*Prepared and brought in by Mr. Dunlop and Mr. Kinnaird.*)

Ordered, by The House of Commons, *to be Printed*, 4 *February* 1858.

[Bill 7.]

Under 1 *oz.*

Weights and Measures Bill.

ARRANGEMENT OF CLAUSES.

Corn, Grain and Pulse, and Fruit and Vegetables, how to be sold; Sect. 1.

Imperial Standards of Weights and Measures, when to be adjusted; 2.

Penalty for making and selling false Beams and Scales or Weights and Measures; 3.

Inspectors to inspect Beams, Scales, &c. in the Public Streets; 4.

Owners of Markets to provide Beams, Scales, &c.; 5.

Clerks of Markets to inspect Goods; 6.

Penalties; 7.

Act how to be construed; 8.

A

B I L L

TO

Amend the Act of the Fifth and Sixth Years of King William the Fourth, Chapter Sixty-three, relating to Weights and Measures.

Preamble.

WHEREAS it is expedient that the Act passed in the Session holden in the Fifth and Sixth Years of the Reign of King William the Fourth, Chapter Sixty-three, intituled "An Act to repeal an Act of the Fourth and Fifth Years of His "present Majesty relating to Weights and Measures, and to make "other Provisions instead thereof," should be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Corn, Grain, and Pulse, and Fruit and Vegetables, how to be sold.

I. No Person shall sell or offer or expose for Sale, or cause to be sold or offered or exposed for Sale, any Wheat, Barley, Oats, Rye, Beans, Peas, or other similar Corn, Grain, or Pulse by any local or customary Weight or Measure, or otherwise than by the Imperial Measure of Capacity, or by the Sack of Four Imperial Bushels, or by the Quarter of Eight Imperial Bushels; but nothing herein contained shall prevent the selling or offering or exposing for Sale any Wheat, Barley, Oats, Rye, Beans, Peas, or other Corn,

Grain,

Grain, or Pulse by the Imperial Measures, or by the Sack of Four Imperial Bushels, or the Quarter of Eight Imperial Bushels, with the Description of the Weight of the same specified at the Time of such Sale or offering or exposing for Sale; and no Person shall sell or offer or expose for Sale, or cause to be sold or offered or exposed for Sale, in any Quantity exceeding *One Imperial Quart* any Fruit or culinary Vegetables by any local or customary or other Measure not being one of the Imperial Measures, unless the Vessel or Instrument of Measure by which the same is to be sold be marked or labelled on some conspicuous Part thereof with a Mark or Label, setting forth in legible Characters the Net Quantity of the Imperial Weight or Measure of the Article therein contained; and all Bargains, Sales, and Contracts made or entered into for the Sale of any such Wheat, Barley, Oats, Rye, Beans, Peas, Corn, Grain, Pulse, Fruit, Vegetables, or other Articles, otherwise than as aforesaid, shall be null and void.

Imperial Standards of Weights and Measures when to be adjusted.

II. No Model or Copy of any of the Imperial Standards of Weights shall be deemed legal or used for the Purpose of enforcing the Provisions of this Act, or the Act passed in the Session holden in the Fifth and Sixth Years of the Reign of King William the Fourth, Chapter Sixty-three, unless the same have been compared or reverified by the Comptroller-General, or some other Officer of the Exchequer duly authorized, within *Three* Years before the Time when it is so used, and no Model or Copy of any of the Imperial Standards of Measures shall be deemed legal or used for the Purposes aforesaid, unless it have been compared or reverified as aforesaid within *Six* Years before the Time when it is so used.

Penalty for making and selling false Beams and Scales or Weights and Measures.

III. No Person shall wilfully and knowingly make or sell, or cause to be made or sold, any false or unjust Beam, Scale, or Balance, or any light or unjust Weight or Measure, or alter or have in his or her Possession any false or unjust Beam, Scale, or Balance, or light or unjust Weight or Measure, which has been so made or altered; and every Person who shall commit any such Offence shall, upon being convicted thereof, forfeit and pay any Sum not exceeding *Ten* Pounds as shall be adjudged by the Justice, Sheriff, or Magistrate before whom any such Conviction shall take place, and all such false and unjust Beams, Scales, or Balances, or light or unjust Weights or Measures, shall be liable to be seized and forfeited.

Inspectors to inspect Beams, Scales, &c. in the public Streets.

IV. It shall be lawful for every Inspector of Weights and Measures, or other Person or Persons duly appointed to inspect Weights and Measures, at all reasonable Times to inspect all Beams, Scales, and Balances, and Weights and Measures, in the Possession of any Person selling,

selling, offering or exposing for Sale any Goods on any open Ground or in any Public Street, Lane, Thoroughfare, or other open Place; and if upon such Inspection or Examination any such Beams, Scales, or Balances, or Weights or Measures, shall be found light or unjust or otherwise contrary to the Provisions of this Act or the herein-before recited Act, the same shall be liable to be seized and forfeited, and the Person or Persons using or having in his or her Possession any such false or unjust Beams, Scales, or Balances, or light or unjust Weights or Measures, shall be liable to any Penalty not exceeding *Five Pounds*.

Owners of Markets to provide Beams, Scales, &c.

V. It shall be lawful for the Owners or Managers of any Public Market where Goods are exposed or kept for Sale, and they are hereby required, to provide proper Beams, Scales, and Balances, and Weights and Measures, or other Machines for the Purpose of weighing or measuring all Goods sold, offered or exposed for Sale in any such Market, and to deposit the same at the Office of the Clerk or Toll Collector of such Market or some other convenient Place, and to have the Accuracy of all such Beams, Scales, and Balances, and Weights and Measures, or other Machines, tested at least *twice* in every Year by the Inspector of Weights and Measures of and for the County or District where any such Market is situate; and all Expenses attending the Purchase thereof, and for adjusting and testing the same, shall be paid out of the Monies collected for Tolls in any such Market, and such Clerk or Toll Collector shall at all reasonable Times whenever called upon so to do weigh, measure, or examine all Goods brought to him for that Purpose, and which shall have been sold, offered or exposed for Sale in any such Market, upon Payment of such reasonable Sum or Sums of Money as shall from Time to Time be decided upon by the said Owners or Managers.

Clerks of Markets to inspect Goods.

VI. It shall be lawful for every Clerk or Toll Collector of any Public Market, and they are hereby required, at all reasonable Times to weigh, measure, or examine all Goods sold, offered or exposed for Sale in any such Market, and if upon such weighing, measuring, or Examination any such Goods shall be found deficient in Weight or Measure, or otherwise contrary to the Provisions of this Act or the herein-before recited Act, every such Clerk or Toll Collector is hereby authorized and required to summon the Offender or Offenders before any Justice, Sheriff, or Magistrate having Jurisdiction in the County or District where any such Market is situate; and every such Justice, Sheriff, or Magistrate shall upon Proof thereof convict the Offender or Offenders in the respective Penalties by this Act or the said recited Act imposed, and shall from Time to Time award to any such Clerk

or

or Toll Collector, such reasonable Remuneration (to be paid out of the said Penalties) as to him shall seem fit.

Penalties.

VII. For every Offence against or Disobedience to the Provisions of this Act or the herein-before recited Act for which no special Penalty is provided, the Offender shall, at the Discretion of the Justice, Sheriff, or Magistrate before whom any such Conviction shall take place, be liable to any Penalty, not exceeding *Five Pounds*, as shall be adjudged by such Justice, Sheriff, or Magistrate.

Act how to be construed.

VIII. This Act shall be construed and taken together with the said recited Act of the Fifth and Sixth Years of the Reign of King William the Fourth, so far as the Provisions of the same are consistent herewith: Provided always, that nothing herein contained shall be construed or taken to apply to any Action or Proceeding now pending, or which may be commenced previous to this Act coming into operation.

Weights and Measures.

A

B I L L

To amend the Act of the Fifth and Sixth Years of King William the Fourth, Chapter Sixty-three, relating to Weights and Measures.

(Prepared and brought in by Mr. John Locke, Sir John Shelley, Mr. Brydges Williams, and Mr. Schneider.)

Ordered, by The House of Commons, *to be Printed,* 27 *April* 1858.

[Bill 67.]

Under 1 *oz.*

A

B I L L

TO

Amend the Law relating to the Wills and the Administration of the personal Estate of British Subjects domiciled abroad.

Preamble.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Wills of British Subjects domiciled abroad valid, if made according to the Law of the United Kingdom.

I. Every Will, Codicil, or other Testamentary Paper made by any British Subject domiciled at the Time of his Decease out of the United Kingdom shall, if made and executed according to the Law for the Time being of any Part of the United Kingdom, be valid and effectual, and admitted in England or Ireland to Probate, or in Scotland to Confirmation, as if such British Subject had been domiciled at the Time of his Decease in that Part of the United Kingdom according to the Law of which such Will, Codicil, or Testamentary Paper is made and executed, and shall operate in all respects throughout Her Majesty's Dominions as if such British Subject had been so domiciled.

Saving for Wills made according to the Law of the Domicile.

II. Provided always, That any Will, Codicil, or Testamentary Paper which, according to the Law for the Time being of the Place in which any British Subject is domiciled at the Time of his Decease,

 would

would be valid, shall, subject to any Revocation or Alteration thereof made by any later Will, Codicil, or Testamentary Paper made valid by this Act, and to any Dispositions and Provisions therein contained, be as valid and effectual as if this Act had not been passed.

Upon Intestacy of British Subjects domiciled abroad their personal Estate to be administered as if they had been domiciled in the United Kingdom.

III. Where any British Subject domiciled out of the United Kingdom at the Time of his Decease dies intestate as to any personal or moveable Estate which is within or recoverable within any Part of the United Kingdom the Right to Administration thereof shall belong to the same Persons, and the Residue thereof, after Payment of Debts and Expenses, shall be distributed, go, and devolve to, upon, and among the same Persons, and according to the same Rules of Distribution and Succession, as if such British Subject had died domiciled in that Part of the United Kingdom in which he was previously domiciled, or, if he were domiciled at different Times in different Parts of the United Kingdom, then in that Part of the United Kingdom in which he was last domiciled.

Act not to apply to Wills, &c. of Persons already dead.

IV. Nothing herein contained shall apply to any Will, Codicil, or Testamentary Paper, or to the Administration, Distribution, or Succession of or to the personal or moveable Estate of any Person who is dead at the Time of the passing of this Act.

Wills, &c. of British Subjects Abroad.

A

B I L L

To amend the Law relating to the Wills and the Administration of the Personal Estate of British Subjects domiciled abroad.

(*Prepared and brought in by Mr. Attorney General, Mr. Hamilton, and Mr. Malins.*)

Ordered, by The House of Commons, *to be Printed,* 10 *June* 1858.

[Bill 119.]

Under 1 *oz.*

A

BILL

TO

Amend the Law in relation to the Wills of British Subjects dying whilst resident abroad.

WHEREAS by reason of the present Law of Domicile the Wills of British Subjects dying whilst resident abroad are often defeated and their Personal Property administered in a Manner contrary to their Expectations and Belief, and it is desirable to amend such Law, but the same cannot be effectually done without the Consent and Concurrence of Foreign States: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by Authority of the same, as follows: Preamble.

I. Whenever Her Majesty shall by Convention with any Foreign State agree that Provisions to the Effect of the Enactments herein contained shall be applicable to the Subjects of Her Majesty, and of such Foreign State respectively, it shall be lawful for Her Majesty by any Order in Council to direct, and it is hereby enacted, That from and after the Publication of such Order in the London Gazette no British Subject resident at the Time of his or her Death in the Foreign Country named in such Order shall be deemed under any Circumstances to have acquired a Domicile in such Country unless such British Subject shall have been permanently resident in such Country for *Three* Years immediately pre- No British Subjects dying in a Foreign Country to be deemed to have acquired a Domicile unless resident therein for Three Years immediately pre-

ceding his or her Death, &c. and for all Purposes of Testate or intestate Succession shall retain the Domicile he or she possessed at the Time of his or her going to reside in such Foreign Country.

immediately preceding his or her Decease, and shall also have made and deposited in a Public Office of such Foreign Country (such Office to be named in the Order in Council) a Declaration in Writing of his or her Intention to become domiciled in such Foreign Country, and every British Subject dying resident in such Foreign Country, but without having so resided and made such Declaration as aforesaid, shall be deemed for all Purposes of Testate or Intestate Succession as to Moveables to retain the Domicile he or she possessed at the Time of his or her going to reside in such Foreign Country as aforesaid.

No Foreign Subject dying in Great Britain or Ireland to be deemed to have acquired a Domicile therein unless resident therein for Three Years immediately preceding his or her Death, &c.

II. After any such Convention as aforesaid shall have been entered into by Her Majesty with any Foreign State it shall be lawful for Her Majesty by Order in Council to direct, and from and after the Publication of such Order in the London Gazette it shall be and is hereby enacted, That no Subject of any such Foreign Country who at the Time of his or her Death shall be resident in any Part of Great Britain or Ireland shall be deemed under any Circumstances to have acquired a Domicile therein unless such Foreign Subject shall have been resident within Great Britain or Ireland for *Three* Years immediately preceding his or her Decease and shall also have signed, and deposited with Her Majesty's Secretary of State for the Home Department a Declaration in Writing of his or her Desire to become and be domiciled in England, Scotland, or Ireland, and that the Law of the Place of such Domicile shall regulate his or her Moveable Succession.

Act not to extend to Foreigners who have obtained Letters of Naturalization.

III. This Act shall not apply to any Foreigners who may have obtained Letters of Naturalization in any Part of Her Majesty's Dominions.

When Subjects of Foreign States shall die in Her Majesty's Dominions, and there shall be no Persons to administer to their Estates, the Consuls of such Foreign States may administer.

IV. Whenever a Convention shall be made between Her Majesty and any Foreign State, whereby Her Majesty's Consuls or Vice Consuls in such Foreign State shall receive the same or the like Powers and Authorities as are herein-after expressed, it shall be lawful for Her Majesty by Order in Council to direct, and from and after the Publication of such Order in the London Gazette it shall be and is hereby enacted, That whenever any Subject of such Foreign State shall die within the Dominions of Her Majesty, and there shall be no Person present at the Time of such Death who shall be rightfully entitled to administer to the Estate of such deceased Person, it shall be lawful for the Consul, Vice Consul, or Consular Agent of such Foreign State within that Part of Her Majesty's Dominions where such Foreign Subject shall die, to take possession and have the Custody of the Personal Property of the Deceased, and to apply the same

same in Payment of his or her Debts and Funeral Expenses, and to retain the Surplus for the Benefit of the Persons entitled thereto; but such Consul, Vice Consul, or Consular Agent shall immediately apply for and shall be entitled to obtain from the proper Court Letters of Administration of the Effects of such deceased Person, limited in such Manner and for such Time as to such Court shall seem fit.

Wills of British Subjects Abroad.

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BILL

To amend the Law in relation to the Wills of British Subjects dying whilst resident abroad.

(*Prepared and brought in by Sir Richard Bethell and Mr. Ayrton*).

Ordered, by The House of Commons, *to be Printed*, 17 *June* 1858.

[Bill 141.]

Under 1 *oz.*

A

B I L L

TO

Amend the Law in relation to the Wills and Domicile of British Subjects dying whilst resident abroad, and of Foreign Subjects dying whilst resident within Her Majesty's Dominions.

WHEREAS by reason of the present Law of Domicile the Wills of British Subjects dying whilst resident abroad are often defeated and their Personal Property administered in a Manner contrary to their Expectations and Belief, and it is desirable to amend such Law, but the same cannot be effectually done without the Consent and Concurrence of Foreign States: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by Authority of the same, as follows: Preamble.

No British Subjects dying in a Foreign Country to be deemed to have acquired a Domicile unless resident therein for Three

I. Whenever Her Majesty shall by Convention with any Foreign State agree that Provisions to the Effect of the Enactments herein contained shall be applicable to the Subjects of Her Majesty, and of such Foreign State respectively, it shall be lawful for Her Majesty by any Order in Council to direct, and it is hereby enacted, That from and after the Publication of such Order in the London Gazette no British Subject resident at the Time of his or her Death in the Foreign Country named

Years immediately preceding his or her Death, &c. and for all Purposes of Testate or intestate Succession shall retain the Domicile he or she possessed at the Time of his or her going to reside in such Foreign Country.

named in such Order shall be deemed under any Circumstances to have acquired a Domicile in such Country unless such British Subject shall have been permanently resident in such Country for *Three* Years immediately preceding his or her Decease, and shall also have made and deposited in a Public Office of such Foreign Country (such Office to be named in the Order in Council) a Declaration in Writing of his or her Intention to become domiciled in such Foreign Country, and every British Subject dying resident in such Foreign Country, but without having so resided and made such Declaration as aforesaid, shall be deemed for all Purposes of Testate or Intestate Succession as to Moveables to retain the Domicile he or she possessed at the Time of his or her going to reside in such Foreign Country as aforesaid.

No Foreign Subject dying in Great Britain or Ireland to be deemed to have acquired a Domicile unless resident therein for Three Years immediately preceding his or her Death, &c.

II. After any such Convention as aforesaid shall have been entered into by Her Majesty with any Foreign State it shall be lawful for Her Majesty by Order in Council to direct, and from and after the Publication of such Order in the London Gazette it shall be and is hereby enacted, That no Subject of any such Foreign Country who at the Time of his or her Death shall be resident in any Part of Great Britain or Ireland shall be deemed under any Circumstances to have acquired a Domicile therein unless such Foreign Subject shall have been resident within Great Britain or Ireland for *Three* Years immediately preceding his or her Decease and shall also have signed, and deposited with Her Majesty's Secretary of State for the Home Department a Declaration in Writing of his or her Desire to become and be domiciled in England, Scotland, or Ireland, and that the Law of the Place of such Domicile shall regulate his or her Moveable Succession.

Act not to extend to Foreigners who have obtained Letters of Naturalization.

III. This Act shall not apply to any Foreigners who may have obtained Letters of Naturalization in any Part of Her Majesty's Dominions.

When Subjects of Foreign States shall die in Her Majesty's Dominions, and there shall be no Persons to administer to their Estates, the Consuls of such Foreign States may administer.

IV. Whenever a Convention shall be made between Her Majesty and any Foreign State, whereby Her Majesty's Consuls or Vice Consuls in such Foreign State shall receive the same or the like Powers and Authorities as are herein-after expressed, it shall be lawful for Her Majesty by Order in Council to direct, and from and after the Publication of such Order in the London Gazette it shall be and is hereby enacted, That whenever any Subject of such Foreign State shall die within the Dominions of Her Majesty, and there shall be no Person present at the Time of such Death who shall be rightfully entitled to administer to the Estate of such deceased Person, it shall be lawful for the Consul, Vice Consul, or Consular Agent of such

such Foreign State within that Part of Her Majesty's Dominions where such Foreign Subject shall die, to take possession and have the Custody of the Personal Property of the Deceased, and to apply the same in Payment of his or her Debts and Funeral Expenses, and to retain the Surplus for the Benefit of the Persons entitled thereto; but such Consul, Vice Consul, or Consular Agent shall immediately apply for and shall be entitled to obtain from the proper Court Letters of Administration of the Effects of such deceased Person, limited in such Manner and for such Time as to such Court shall seem fit.

Wills and Domicile of British Subjects Abroad, &c.

A

BILL

To amend the Law in relation to the Wills and Domicile of British Subjects dying whilst resident abroad, and of Foreign Subjects dying whilst resident within Her Majesty's Dominions.

(*Prepared and brought in by Sir Richard Bethell and Mr. Ayrton*).

Ordered, by The House of Commons, *to be Printed*, 28 *June* 1858.

[Bill 162.]

Under 1 *oz.*

Wine, &c. (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Commencement of Act; Sect. 1.

Hours for opening and closing Houses for Sale of Spirits, &c., by Retail; 2.

Repeal of certain Acts; 3.

Penalty for unlawful Sale or Tippling; 4.

Constables enabled to enter at all Times; 5.

Acts repealed as to Certificates of Householders; 6.

Acts repealed as to Appointment of Overseers of Public Houses; 7.

Penalty for obtaining forged or false Certificates; 8.

(Ireland.)

A

B I L L

TO

Amend the Laws relating to the Sale of Wine, Spirits, Beer, and Cider, by Retail, in Ireland.

WHEREAS it is expedient to amend the Laws relating to the Sale of Wine, Spirits, Beer, and Cider, by Retail, in Ireland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,— Preamble.

I. This Act shall come into operation on the *First Day of October One thousand eight hundred and fifty-eight.* Commencement of Act.

II. No Victualler or other Person selling or licensed to sell Beer, or Cider, Wine or Spirits, by Retail, within the Police District of Dublin Metropolis, to be drunk or consumed on or off the Premises, shall have or keep his House or other Place of Sale (not being a Booth or Tent in any lawful or accustomed Fair or at any public Races) open for the Sale of Spirits, Wine, or Beer, nor shall sell or retail Spirits, Wine, or Beer, nor shall suffer any Spirits, Wine, or Beer to be drank or consumed in or at or adjacent to such House or other Place of Sale, at any Time between the Hours of *Twelve* o'Clock in the Night and *Six* o'Clock in the Morning, or at any Time before Hours for opening and closing Houses for Sale of Beer, &c. 3 & 4 W. 4. c. 68. s. 14. 18 & 19 Vict. c. 118. s. 1. 6 & 7 W. 4. c. 38. s. 4.

Two o'Clock or after *Eleven* o'Clock in the Afternoon, of any Sunday, Christmas Day, or Good Friday, or any Day appointed for a Public Fast or Thanksgiving, except as Refreshment to a bonâ fide Traveller, or a Lodger therein.

Repeal of 3 & 4 W. 4. c. 68. s. 15. and of 6 & 7 W. 4. c. 38. s. 6. and s. 9.

III. The Provisions of the Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of King William the Fourth, Chapter Sixty-eight and Section Fifteen, and of the Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the said Reign, Chapter Thirty-eight and Section Six, are repealed so far as they relate or apply to the Police District of Dublin Metropolis, but not further or otherwise.

Penalty for unlawful Sale or Tippling. 5 Geo. 4. c. 102. s. 19.

IV. Any Victualler or other Person licensed to sell Beer, Cider, Spirits, or Wine within the Police District of Dublin Metropolis, in whose Dwelling House or other Place of Sale any Person shall be found to have been recently drinking, tippling, or gaming therein, at any Hour or Time prohibited by Law, shall upon Conviction thereof in a summary Way before a Justice of the said District be liable to a Penalty of *Forty Sillings* for the First Offence, and shall be liable to a Penalty of *Five Pounds* for the Second Offence, and to a Penalty of *Twenty Pounds* for the Third Offence, and shall on Conviction for such Third Offence forfeit his Licence; and every Person found within such House or Place of Sale at any Time prohibited by Law, and not being proved to be an Inmate or Lodger in such House, shall be deemed to be there for the Purpose of drinking or tippling, unless satisfactory Evidence to the contrary thereof shall be given before such Justice.

Constables enabled to enter at all Times. 18 & 19 Vict. c. 118. s. 4.

V. It shall be lawful for any Constable of Police at any Time to enter into any House or Place of public Resort within the Police District of Dublin Metropolis for the Sale of Beer, Wine, Spirits, or other fermented Liquor; and every Person who shall refuse to admit or shall not admit such Constable into such House or Place shall be liable to a Penalty not exceeding *Five Pounds* for every such Offence, or, at the Discretion of the Justice before whom the Conviction shall be had, to be imprisoned for any Term not exceeding *Three* Months.

Acts repealed as to Certificates of Householders. 17 & 18 Vict. c. 89. s. 11.

VI. The Provisions of the said Act of the Third and Fourth Years of the Reign of King William the Fourth, Chapter Sixty-eight, so far as they require that the proper Officer of Excise in Ireland shall not grant any Licence for the Sale of Beer, Cider, or Spirits, by Retail, to Persons licensed in the Year preceding, unless on the Production of a Certificate signed by *Six* Householders of the Parish as to the good Character of the Applicant, and the peaceable and orderly Manner

Manner in which the House of the Applicant has been conducted in the past Year, are repealed as regards the said Police District of Dublin Metropolis.

VII. The Provisions of the said Act of the Third and Fourth Years of the Reign of King William the Fourth, Chapter Sixty-eight, and of the Act of the Sixth and Seventh Years of the said Reign, Chapter Thirty-eight, so far as they provide for the Appointment of Overseers of Public Houses by Vestry or by Justices within each Parish, and constitute the said Overseers and Constables or Peace Officers for the Purposes of the said Acts, are hereby repealed, so far as regards the Police District of Dublin Metropolis.

Act repealed as to Appointment of Overseers of Public Houses.

VIII. Every Person who shall, for the Purpose of obtaining for himself or enabling any other Person to obtain a Licence to retail Spirits, Wine, Beer, or Cider, forge or counterfeit any Certificate, or make use of any Certificate knowing the same to be forged or counterfeit, or the Matters certified therein to be false, shall forfeit the Sum of *Fifty Pounds;* and every Licence for the Retail of Spirits, Beer, or Cider obtained by any Person on any such forged, false, or counterfeit Certificate shall, on the Conviction of such Person, be void to all Intents and Purposes, and shall be so adjudged; and every Person who shall be convicted of any of the said Offences shall be disqualified from obtaining any Licence to retail Spirits, Beer, or Cider, either to be drunk on the Premises or elsewhere.

Penalty for obtaining forged or false Certificates. 3 & 4 Vict. c. 61. s. 6.

Wine, &c. (Ireland) Bill.

A

BILL

To amend the Laws relating to the Sale of Wine, Spirits, Beer, and Cider, by Retail, in Ireland.

(*Prepared and brought in by Mr. Hamilton and Lord Naas.*)

Ordered, by The House of Commons, *to be Printed*, 15 *July* 1858.

[Bill 215.]

Under 1 *oz.*